

Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3530 OF 2017

Smt.Aalma Taj Mansoori .. Petitioner
Vs.
The State of Maharashtra and ors. .. Respondents

Mr.N.S.Satpute, for the Petitioner.
Mrs.P. P. Shinde, AAP for State.

**CORAM : R.M.SAVANT &
REVATI MOHITE DERE, JJ.
DATE : 18th JUNE 2018**

P.C. :

. The above Writ Petition has been filed for seeking transfer of investigation from Vinoba Bhave Nagar Police Station, Mumbai to some other agency. The said relief is sought on the basis that the investigation has not been carried out properly by the Vinoba Bhave Nagar Police Station in respect of the death of the brother of the petitioner. Learned APP Mrs.Shinde has produced for our perusal the post-mortem report dated 30/07/2017. A copy of the same was also furnished to

the learned Counsel for the petitioner - Mr.Satpute after the last hearing. Suffice it would be to state that the post-mortem report does not disclose any incised wound but only discloses fracture as it seems that the deceased had jumped from a higher floor, presently the case is treated as one of suicide. Learned APP states that appropriate report would be filed before the Trial Court.

2. Having regard to the material which has been uncovered during the investigation and in view of the aforesaid statement of the learned APP, it is not necessary for us to keep the above Writ Petition pending. It would be for the Trial Court to take appropriate decision after the report is submitted by the investigating agency. Learned Counsel for the petitioner seeks to rely upon a decision of the Division Bench of this Court reported in the matter of **Smt.Salma Babu Shaikh Vs. State of Maharashtra & Ors.**¹ 2008 ALL MR (Cri) 2717. In our view the said judgment would have no application in the facts of the present case.

¹ 2008 ALL MR (Cri) 2717.

3. With the observations as aforesaid, the Writ Petition is disposed of.

(REVATI MOHITE DERE, J.)

(R.M.SAVANT, J.)