

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 4321 of 2015
along with
CRIMINAL APPLICATION NO.487 OF 2015**

Sandeep Pandurang Surve
versus
The State of Maharashtra

.....Petitioner
.....Respondent

Mr. Swapnil Ovalekar, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 7th OCTOBER, 2019.

P. C. :

1. The above petition is registered in pursuance of the letter received from the petitioner through Jail.

2. In writ petition No.4321 of 2015, the grievance of the petitioner was that he has been falsely implicated in the subject offence and, therefore, he requested to carry Lie Detector Test, Brain Mapping Test and Narco Analysis Test of himself and the complainant as well as API Sanjay Mendhe.

3. The above criminal application is filed making grievance that the petitioner's demands are not complied with and if same are not

complied till 16th November, 2015, the petitioner will starve to death by resorting to hunger strike.

4. Pending both the petition and application, the petitioner committed suicide by hanging himself to the window next to the toilet in barrack No.4 with the help of piece of white cloth on 20th October, 2016 at about 3.45 to 3.50 a.m.. Since the petitioner committed suicide while in police custody, we directed learned APP to file affidavit pointing out the circumstances, under which the petitioner committed suicide and to place on record whether legal formalities under Section 176 of the Code of Criminal Procedure, 1973, (for short “the Cr.PC.”) are complied with.

5. In accordance with the above directions, one Mr. Sushil Chandrakant Kumbhar, Superintendent of District Prison, Sangli, has filed an affidavit dated 25th September, 2019. The affidavit discloses that on the date of the incident itself, the Superintendent of District Prison, Sangli, issued wireless messages to various higher authorities including Special Executive Officer Human Rights Commission, Maharashtra State and National Human Rights Commission, New Delhi, thereby informing them the custodial death of the petitioner. On the same day, a letter was also issued to the Police Inspector, Sangli Police Station, thereby informing him about the custodial death of the petitioner and thereby, requesting him to conduct inquest panchanama of the dead body of the petitioner

and for further action. The Superintendent of District Prison also submitted a report on the same day of the incident to Chief Judicial Magistrate, Dist. Sangli, informing him about the custodial death of the petitioner with a request to conduct judicial enquiry about the same. The inquest panchanama under Section 174 of the Cr.PC. was conducted on the very same day in the presence of Police Sub Inspector, Chief Judicial Magistrate, Sangli and Special Executive Magistrate, Miraj. The post-mortem of petitioner's body was carried on the same day by Dr. Rajesh Bardale and video recording of the same was also done. The affidavit further discloses that on 6th February, 2017 and 8th February, 2017, Assistant Superintendent, Chief Judicial Magistrate, Sangli, issued a letter to the present Superintendent of District Prison, Sangli, with a request to submit a report regarding statements of four witnesses with their names for judicial enquiry. The Superintendent of District Prison, Sangli, complied with this request and sent names of the witnesses to the Court of Chief Judicial Magistrate, Sangli, for the purpose of judicial enquiry.

6. In the above circumstances, we are satisfied that the legal requirements under Section 174 and 176 of the Cr.PC. are complied with by the prison authority. It is seen that judicial enquiry regarding the custodial death of the petitioner is pending with Chief Judicial Magistrate, Sangli. Suffice it, in the interest of justice, to direct the learned Chief Judicial Magistrate, Sangli, to conclude the said enquiry as expeditiously

as possible and preferably within a period of six months from today, if not already completed.

7. In the light of above, both petition and criminal application are disposed off.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]