

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1171 of 2019**

Radhabai Mohan JadhavPetitioner
versus
The State of Maharashtra and ors.Respondents

Mr. Sudarshan Salunke I/b. Mr. Prabhanjan B. Gujar, advocate for the petitioner.
Mr. F. R. Shaikh, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 10th APRIL, 2019.

P. C. :

Heard learned counsel for the petitioner and learned APP for the State.

2. The petition is filed for the following reliefs:

"A]...

B]...

*C]...Be pleased to issue writ of mandamus or any other writ or directions in the like nature and the respondents may kindly be directed to carry out the Re-investigation in Crime No.348/2015 dated 8/12/2015 registered with Police Station Warje Malwadi, Pune, Dist.Pune for the offence punishable u/sec.306, 34 of I.P.C., which is at **Exhibit "B"**.*

*D] In the alternate, the petitioner is praying to quash and set aside an Order passed by the Learned Assistant Sessions Judge, Pune on application below Exh.30 in Sessions Case No.198/2017 dated 5/12/2018 which is at **Exhibit "O"**."*

3. Dead body of the petitioner's son was found beneath Rajaram Bridge at Varje. On 1st November, 2015, A.D.No.112 of 2015 initially came to be registered with Police Station Warje Malwadi, Pune. Subsequently, on petitioner's complaint FIR bearing CR No.348 of 2018 came to be registered on 8th December, 2015 for the offence punishable under Section 306 read with Section 34 of the Indian Penal Code, 1860 (for short "the IPC"), against the brother-in-law and father-in-law of the deceased. The investigation was completed and charge-sheet is also filed against these accused for the offence punishable under Section 306 read with Section 34 of the IPC on 8th February, 2017. A charge is also framed against the accused and, thereafter, the petitioner made an application at Exhibit.30 before the Sessions Court at Pune, for further investigation under Section 173(8) of the Code of Criminal Procedure, 1973 (for short "the Cr.PC."). The said application was rejected by the Sessions Court on 5th December, 2018. This order is impugned in the present petition. In addition to this, the petitioner is also seeking re-investigation and that is why the petition is placed before this Bench.

4. Earlier, the petitioner had approached this Court and filed criminal writ petition No.3290 of 2016. The main prayer in this petition was for transfer of investigation of the subject CR. The transfer was sought on the ground that the petitioner's son was murdered and it is

not the case of suicide. This Court while dismissing the said petition, had made following observations in paragraphs 5 and 6 of its order dated 22nd March, 2017, which are reproduced hereinbelow:

"5] In the post-mortem following injuries are mentioned.

"i) Laceration present over area involving posterior aspect of right ankle and right foot of size 08cm x 02cm bone deep, with underlying calcaneum fractured, irregular, red.

ii) Contusion present over area of angle of mandible on left side of size 02cm x 01 cm, irregular, red.

iii) Multiple incised wounds present over ventro-medial aspect of left wrist, over an area of size 10cm x 04cm of varying sizes from 09cm x 0.4 cm to 02cm x 0.2 cm, all wounds are subcutaneous tissue deep, clean cut, red"

6] So far as the first two injuries are concerned, we are of the opinion that those injuries are possible by fall from the bridge. As as as the third injury is concerned, the police have recorded the statement of the wife of the deceased and, in her statement, she has stated that the deceased has cut his wrist the day before the incident. That apart, the police have also recorded the statement of one lady, who alleged that she has seen the deceased jumping from Raja Ram Bridge. The police have also received by RPAD one suicidal note written by deceased. The note discloses that the deceased was harassed by his father-in-law and brother-in-law, therefore, he has committed suicide."

The Division Bench of this Court after examining the injuries

sustained by the deceased came to the conclusion that the injuries sustained by the deceased are possible because of the fall from the bridge. The petitioner challenged this order of the Division Bench by filing Special Leave to Appeal (CRI) No.6493 of 2017. However, the said appeal was dismissed by the Apex Court by speaking order dated 9th October, 2017.

5. The learned Sessions Judge while dismissing the petitioner's application under Section 173(8) of the Cr.PC. has considered all the arguments of the petitioner and came to the conclusion that the accused is rightly charged for offence under Section 306 read with Section 34 of the IPC. We do not find any error in the said order nor do we find any case for re-investigation of the subject FIR. The writ petition is without any merit and the same is, accordingly, dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]