

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

WRIT PETITION NO. 4891 of 2019

Mr. Anand Prakash B. Pandey	Petitioner
versus	
The State of Maharashtra	Respondents

Mr. Ashok M. Saraogi, advocate for the petitioner.
Ms. Sangita Shinde, APP for the State.

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

DATE : 7th OCTOBER, 2019.

P. C. :

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

2. The petitioner, by filing this petition, is seeking direction for enquiry into the death of his son- Ankush @ Sidhnath Anand Pandey by some expert agency. The petitioner has also sought for direction for proper post-mortem of the dead body of his son by expert appointed by the High Court.

3. The petitioner contends that his son failed to return back from his work on 15th September, 2019, and therefore, he made attempts to contact him on his mobile. On 16th September, 2019, when the petitioner

called his son on his mobile, the said call was received by some unknown person and the petitioner was called upon to reach Rajawadi Hospital. On reaching Rajawadi Hospital, the petitioner was told that his son was dead and, accordingly, the petitioner was asked to take possession of the dead body of his son. The petitioner has expressed his suspicion about the death of his son and, therefore, he has approached this Court for the reliefs stated hereinabove.

4. Learned APP has placed on record report dated 7th September, 2019 of Senior Police Inspector of Pant Nagar Police Station, Mumbai. The report discloses that on 15th September, 2019 at about 6.25 p.m. the Pant Nagar Police Station was informed by Rajawadi Hospital about the death of some unknown person. The officers of the police station, thereafter at about 7.00 p.m. on the same day reached Rajawadi Hospital. On reaching the Hospital, Dr. Shrutika Kamble declared that the said unknown person died at about 5.28 p.m.. The police thereafter carried inquest panchanama between 7.40 p.m. to 8.30 p.m. on 15th September, 2019. The panchanama was also carried out in respect of the clothes on the body of the said unknown person. The panchanama about the place of incident was carried out between 9.50 p.m. to 10.30 p.m. on the same day and the incident was recorded in the Police Station Diary as ADR at about 11.30 p.m. on the same day.

5. The report further discloses that statement of five witnesses were recorded. Out of these, 5 witnesses, 2 witnesses viz. Mallya Gadarla and Mohammed Haneef Shaikh were eye witnesses. Eye Witness- Mallya Gadarla is working in Karuna Tadi Madi Centre, Ramabai Nagar, Ghatkopar East, Mumbai. He has stated that the said Tadi Madi Centre is owned by Chepuri Laxman. He has further deposed that the deceased regularly came to the said Tadi Madi Centre and on 15th September, 2019, at about 3.00 p.m to 3.15 p.m., when he came to purchase Tadi, he was smelling of liquor and he could not even walk properly. The deceased purchased two bottles of Tadi and paid Rs.50/- and while leaving the shop, he felt giddy and, therefore, he sat down. The said witness thereafter lifted him and made him lie on the table. However, the deceased was not responding and therefore, the said witness, under the impression that the deceased must have become unconscious, shifted him to Rajawadi Hospital with another eye-witness – Mohammed Haneef Shaikh. The report further shows that the inquest panchanama discloses that there are no external injuries on the body of the deceased. This fact is also corroborated by the post-mortem report. The report also shows that the petitioner expressed suspicion and, therefore, the police were ready to carry out second post-mortem. However, the petitioner did not consent for the same.

6. In the above background, we asked Mr. Saraogi, learned counsel for the petitioner that whether his client is ready and willing for the second post-mortem. Mr. Saraogi, learned counsel, having taken instructions from his client who is present before the Court, stated that his client has no objection for carrying out second post-mortem of the dead boy of his son, provided this exercise is carried out by Sir J. J. Hospital. The statement is accepted.

Mr. Saraogi, learned counsel, having taken instructions from his client, also makes a statement that once second post-mortem on the dead body of the son of the petitioner is carried out, the petitioner shall take possession of his son's dead body for last rites. The statement is accepted.

7. In the above circumstances and especially since the investigation into the death of the petitioner's son is going on, we dispose of the petition by passing the following order :

- i. Pant Nagar Police Station is directed to carry the dead body of the petitioner's son - Ankush @ Sidhnath Anand Pandey from Rajawadi Hospital to Sir J. J. Hospital by tomorrow i.e. 8th October, 2019.
- ii. The Dean of Sir J. J. Hospital shall is directed to take

necessary steps to carry out second post-mortem of the dead body of the petitioner's son - Ankush @ Sidhnath Anand Pandey day after tomorrow i.e. 9th October, 2019.

- iii. The entire exercise shall be completed in the time-frame as stated above and immediately thereafter the petitioner shall take possession of his son's dead body for last rites.

8. Needless to mention that the petitioner is entitled to get the copy of the second post-mortem report. The Pant Nagar Police Station shall make necessary arrangement in this regard. The investigation into the suspicious death of the petitioner's son shall be continued and proper action shall be taken,

9. The writ petition stands disposed off.

10. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]