

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 263 OF 2019.

(Bismillah Khan Bulan Khan, Akola & Anr. Vs. State of Maharashtra, thr. its Secretary,
Department of Home, Mantralaya, Mumbai & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A.S.Dhore, Advocate for petitioners.
Shri M.K.Pathan, APP for respondent Nos. 1 to 3.
Shri A.M.Tirukh, Advocate for respondent No. 3A.

CORAM : P.N. DESHMUKH AND
PUSHPA V. GANEDIWALA, JJ.
AUGUST 08, 2019.

This petition is filed seeking directions to respondent No.1 to exhume the body of deceased girl and to further investigate with regard to her unnatural death. Such reliefs were sought as the dead body was buried without any investigation carried out after the death of deceased girl.

From the affidavit-in-reply, it is further found that the Police had thereafter made application to the Sub-Divisional Magistrate seeking permission to exhume the body, which permission was granted and the dead body was accordingly exhumed in the presence of Doctor, Tahsildar, Independent Witnesses as well as father of deceased upon which postmortem was performed and as per postmortem report, ligature compression was noted on the neck.

According to the medical opinion, such ligature is possible due to hanging.

Further, from the statement of witnesses it came on record that accused – Imran Ahmed on the false pretext of marriage sexually exploited the minor deceased due to which, she committed suicide. On investigation, offence punishable under Sections 376(2)(f)(n), 306, 201, 176 and 177 read with Section 34 of the Indian Penal Code and Sections 5(L) and 6 of the Protection of Children from Sexual Offences Act, 2012 came to be registered in Crime No.216/2019. Further investigation is said to be in progress.

Considering the affidavit-in-reply as aforesaid with the prayers made, learned counsel for petitioners submits that purpose of filing of petition is satisfied.

In that view of the matter, we dispose of the petition holding that purpose of petition as per its prayer is served.

Accordingly, petition is disposed of.

JUDGE

JUDGE