

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

CRIMINAL WRIT PETITION NO. 842 OF 2018

Smt. Vaishali Wd/o Pramodrao Mohod,
Aged about 33 years, Occu. - Household,
R/o. Kushta, Tal. Achalpur,
District Amravati.

.... **PETITIONER**

// VERSUS //

- 1) State of Maharashtra,
through its Secretary,
Home Department, Mantralaya,
Mumbai 440032.
- 2) The Commissioner of Police,
Amravati Division, Amravati.
- 3) Superintendent of Police,
(Rural), Amravati.
- 4) Shirajgaon Police Station,
through its Police Station Officer,
Shirajgaon, Tal. Chandur Bazar,
Dist. Amravati.

.... **RESPONDENTS**

Shri J. K. Matale, counsel for the petitioner.
Shri N. R. Patil, A.P.P. for the respondents.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATED : 11th December, 2020

ORAL JUDGMENT : (Per : SUNIL B. SHUKRE, J.)

1. Heard. **Rule.** Rule made returnable forthwith.
2. Heard finally by consent of the learned counsel appearing for the parties.
3. This is a case in which deceased Pramod Mohod riding a motorcycle with one Nitesh Mohod as a pillion rider could not control his motorcycle, as a result of which motorcycle skidded on the road and fell into a nearby bridge developed on account of flowing of water from an adjoining Nala which led to accidental death of deceased Pramod Mohod.
4. Investigation made by the police revealed a case of rash and negligent driving but, it appears to us that on insistence of this petitioner and perhaps tearing backlash in some undesirable form from the petitioner, the police, of Police Station Shirajgaon, Amravati registered not only an offence punishable under Section 279 but, also those which are punishable under Section 307 and 304 A of the Indian Penal Code. The petitioner is still not satisfied with the action so far taken by the police and therefore, he approached this Court with a prayer for transfer of the investigation.

5. We have gone through the case diary and now we find that the police have also completed the investigation and filed its final report under Section 173 of the Code of Criminal Procedure, indicating that the accused named therein were required to be prosecuted for the offence punishable under Sections 279, 337, 302 and 304 A read with Section 34 of I.P.C.

6. The prayer made in this petition is also about registration of offence of murder against the suspects and this prayer is now already fulfilled in the present case. Now the investigation is over therefore, we are of view that the petition has worked itself out. The petition is disposed of accordingly.

7. Legal remuneration of Rs.2,000/- (Rs. Two thousand only) be paid to the learned appointed counsel.

Rule is discharged.

(AVINASH G. GHAROTE, J.)

(SUNIL B. SHUKRE J.)