

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.700 OF 2018

BHAGYAWANT S/O. BAPU DAREKAR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for the Petitioner : Shri Narwade Narayan B.  
APP for the Respondents/ State : Shri K.S. Patil

...  
**CORAM : RAVINDRA V. GHUGE**  
**&**  
**B. U. DEBADWAR, JJ.**

**DATE :- 05<sup>th</sup> April, 2021**

**Per Court :-**

1. By this petition, the petitioner/ informant has put forth prayer  
clauses B and C as under :-

- “B) *By issuing appropriate writ, order or direction in the like nature, the respondent No.4 the Superintendent of Police, Crime Investigation Department, Nasik Division, Nasik may kindly be directed to complete the investigation and file the charge sheet in Crime No.I-204/2013 registered with Shrigonda Police Station, District Ahmednagar dated 20.11.2013 for the offence punishable under Section 302, 394 r/w 34 of the Indian Penal Code.*
- C) *Pending hearing and final disposal of the present Criminal Writ Petition, the respondent No.4 Superintendent of Police, Crime Investigation Department, Nasik Division, Nasik may kindly be directed to submit the report to this Hon’ble High Court in respect of the progress of the investigation in Crime No.I-204/2013 registered with Shrigonda Police Station, District Ahmednagar for the offence punishable under Section 302, 394 r/w 34 of the Indian Penal Code.”*

2. This Court has been dealing with this petition and the grievance voiced by the petitioner therein since April, 2019. Various orders have been passed by this Court from time to time and it is in the light of the orders of this Court that the investigation has now picked up pace. Certain narco analysis tests are to be conducted and the Deputy Superintendent of Police, CID Crime, Ahmednagar was intimated vide letter dated 02.03.2020 by the Directorate of Forensic Sciences, Gujarat State, Sector-18A, Gandhinagar, Gujarat, that the said laboratory had earmarked the period from 27.04.2020 to 02.05.2020, by way of allotment, for conducting narco analysis tests. The said period has gone empty as tests were not conducted.

3. The learned advocate for the petitioner, who is the son of the deceased, submits that he has developed an apprehension that the police authorities are favouring the accused. After the petitioner realized that the investigation was not progressing impartially, that he was constrained to prefer this petition with the prayers reproduced above. The learned advocate submits that the petitioner would be satisfied if the narco analysis tests are conducted and the reports are submitted to the Investigating Officer by the end of May, 2021 and the investigation is completed culminating into the charge sheet within one month thereafter.

4. The learned prosecutor submits that it would be inappropriate for this Court to direct the Investigating Officer to conclude

the investigation in a particular manner or by passing a particular order. This Court can surely direct that the investigation should be completed within a particular time frame and based on the material available, the Investigating Officer can thereafter, file the charge sheet if there is enough material before him or may act strictly in accordance with the Code of Criminal Procedure to deal with the material collected by him during investigation.

5. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) The narco analysis tests shall be concluded by the Directorate of Forensic Science, Gandhinagar, preferably by 31.05.2021 subject to unforeseen/ unprecedented circumstances beyond the control of the said establishment.

(b) The Investigating Officer shall endeavour to complete the investigation by 30.06.2021 and shall thereafter, adopt such steps as are prescribed in law while dealing with the material gathered by him during investigation.

(c) Based on the above, if the petitioner has any grievance about the investigation, he would be at liberty to take recourse to legal remedies as may be permissible in law.