

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

CRIMINAL WRIT PETITION NO.1327 OF 2020

Pandurang s/o Sonaji Katkhede,
age: 45 years, Occ: Agril.,
R/o Gomalwada, Tq. Shirur (Kasar),
District Beed.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary,
Home Department,
Maharashtra State,
Mantralaya, Mumbai-32.

02 The Superintendent of Police,
Beed, Tq. & District Beed.

03 The Police Inspector,
Shirur (Kasar) Police Station,
District Beed.

04 Parmeshwar Waman Bankar,
age: major, Occ: Agri.,
R/o Gomalwada, Tq. Shirur
(Kasar), District Beed.

05 Madhukar s/o Waman Bankar,
age: major, Occ: Agri.,
R/o Gomalwada, Tq. Shirur
(Kasar), District Beed.

Respondents

Mr. A. L. Kanade, advocate for the petitioner.
Mr. M. M. Nerlikar, APP, for Respondents No.1 to 3.

**CORAM : SUNIL P. DESHMUKH &
NITIN B. SURYAWANSHI, JJ.**

DATE : 02nd September, 2021.

ORAL JUDGMENT (Per Nitin B. Suryawanshi, J.) :

1. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2. This petition seeks direction to Respondents No.1 to 3 to carry out fresh investigation in respect of Cr.No.151/2020, registered with Shirur (Kasar) Police Station, Tq. Shirur Kasar, District Beed, for the offence punishable under Sections 304A of the Indian Penal Code, read with Section 135 of the Indian Electricity Act.

3. The petitioner's son Ravindra was found dead in the field G.No. 127 of Gomalwada *shivar* in the night between 31.07.2020 and 01.08.2020 due to electric shock. Dhondiba Pankhade, the owner of the said land, had erected GI wire fencing to prevent the wild animals from entering and damaging the crop. Electric current was supplied to the GI wire fencing. Ravindra received shock due to the electric current and expired on the spot.

At the instance of Pravin Kacharu Gavai, relative of the deceased, A.D. No.26 of 2020 was registered and an inquiry was conducted. The First Information Report at CR. No.0151 of 2020 was lodged by Police Naik Hanumant Salunke on 27.08.2020 with Shirur (Kasar) Police Station, District Beed, against the owner of the field, namely Dhondiba Pankhade, for offence punishable under Sections 304A of the Indian Penal Code and 135 of the Indian Electricity Act. In the spot *panchanama*, the skin of the deceased's hands was found attached to the wire fencing at two places. The burn marks, due to electric current, were noticed on both the hands of the deceased. On completion of the investigation, charge sheet came to be filed and the case is numbered as RCC No.60 of 2020.

4. The petitioner contends that Ravindra was murdered by Respondents No.4 and 5. According to the petitioner, the investigation was carried out in such a manner so as to save the real culprits – Respondents No.4 and 5. Ravindra was called in the fateful night by Respondents No.4 and 5 and they committed his murder and put up a show that he died due to electric shock. The Investigating Officer pressurised the witnesses and recorded their statements in such a manner to favour the Respondents No. 4 & 5. According to the petitioner, Prashant Kacharu Gavai, who had

lodged the A.D., informed the petitioner that at about 11.00 p.m. in the fateful night, Respondents No.4 and 5 came in the temple where Ravindra and Prashant were sleeping and they took away Ravindra and in the morning, dead body of Ravindra was found. Prashant was pressurised by the police authorities while recording his statement. According to the petitioner, there are other witnesses who had previously seen Respondents No.4 and 5 beating Ravindra.

5. We do not find any merit in the contentions raised by the petitioner. The petitioner had failed to substantiate his contentions by placing any material on record. The position and condition of the dead body and the charred skin found attached to the wire, recorded in the spot *panchanama*, clearly indicate that Ravindra died due to electric shock in the fateful night. In the statement before the police, Prashant had stated that after leaving Ravindra in the temple at the fateful night, he went away. On going through the material collected during the course of investigation, we find that proper investigation is conducted and charge sheet is filed. *Prima facie*, we are of the opinion that allegations of the petitioner that Ravindra was murdered appear to be imaginary and there is no basis for the same.

6. We, therefore, do not find any substance in the petition and the petition is, therefore, dismissed. Rule is discharged.

7. The petitioner is at liberty to adopt appropriate remedy available in law. In that case, the above observations shall not influence the trial Court.

(NITIN B. SURYAWANSHI)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

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