

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

926 CRIMINAL WRIT PETITION NO. 1649 OF 2020

JIVAN LAXMAN LAKWAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr. P.P. More h/f Mr. Nitin S. Ingle
APP for Respondents: Mr. M.M. Nerlikar

CORAM : T. V. NALAWADE AND
M.G. SEWLIKAR, JJ.

DATE : 5th JANUARY, 2021

PER COURT :-

Heard Mr. P.P. More, learned counsel holding for Mr. Ingle, learned counsel for the applicant on record. Seen the record. The charge-sheet is filed for the offences punishable under Sections 498-A, 304-B, and 306 read with Section 34 of the Indian Penal Code. The death took place due to poisoning. At least four containers are recovered by the Police and those contain insecticide Hit-weed eliminator. This Court has carefully gone through the P.M. report. In view of nature of allegations, Investigating Officer has filed the case for aforesaid offences. The contention of the petitioner, who is brother of the deceased is that the deceased would not have committed suicide when she had two kids. Such contention and evidence, if any, can be considered by the trial Court during the trial. On the basis of material available, the trial Court has ample power to frame the charge for the offence, which is made out by the prosecution on the basis of material available before the trial Court. In view of this circumstance, this Court holds that nothing more needs to be done as it is bound to be delay in trial and such delay can create complication in the trial.

2. In the result, in view of aforesaid observations, present Criminal Writ Petition is disposed of.

[M.G. SEWLIKAR]
JUDGE

[T. V. NALAWADE]
JUDGE

MTK