

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

951 CRIMINAL WRIT PETITION NO.1742 OF 2019

SUNDARBAI W/O. ROOPCHAND GHADGE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr.R.B. Dhaware, Advocate for petitioner
(appointed)

Mr.S.G. Sangle, APP for respondent nos.1 to
3.

...

CORAM : RAVINDRA V.GHUGE

AND

B.U.DEBADWAR, JJ.

DATE : 24th March, 2021

PER COURT :-

1. On 11.02.2021, we had passed the
following order :-

"1. By this petition, the petitioner has sought relief under the writ of habeas corpus since her son Ravindra Roopchand Ghadge has gone missing since 10-05-2019. An FIR has been registered with Khultabad Police Station on 15-07-2019.

2. This Court has passed certain orders from time to time and pursuant thereto, Asstt. Police Inspector Shri P.S. Udawant, Khultabad Police Station tendered a report to this Court through the learned Prosecutor, dated 09-02-2020 stating that as the missing person was working under Shaikh Anwar Shaikh Hasan, the latter was taken into custody. On interrogation, he had

stated that, the missing person was admitted for treatment in the Osmania Hospital and then in the Gandhi Hospital, both at Hyderabad. Shri Udawant, vide his report, submits that the said statement of Shaikh Anwar, proprietor of Padmashri Transport, is apparently false as both these government hospitals do not have any record of the admission of the missing person as an indoor patient or even as an outdoor patient. The learned Prosecutor informs us that Shaikh Anwar has been granted bail by the trial Court.

3. From the material before us as is referred to herein above, we find that Shaikh Anwar has, prima facie, misled the police. Initially, he stated that the missing person was admitted in Ghati Hospital at Hyderabad, when no such hospital exists in Hyderabad. He then gave the information of the missing person being treated at Osmania Hospital and the Gandhi Hospital, both at Hyderabad. These statements are also turned out to be false. We are, therefore, of the view that as the missing person is reported to have reached the destination i.e. the office of Padmashri Transport Hyderabad on 11-05-2019 and as the proprietor Mr. Shaikh Anwar is misleading the police, he needs to be taken into custody for further interrogation.

4. Considering these facts and our Writ jurisdiction, we direct that, Khultabad Police Station shall do the needful and shall interrogate Shaikh

Anwar by taking him into custody. A report in this context shall be tendered before us on 18-02-2021.

5. *Stand over to 18-02-2021."*

2. On 18.03.2021, considering the submissions of the learned Advocate for the petitioner, we had directed that Shaikh Anwar, who was suspected to be responsible for the disappearance of the missing person Ravindra, by the petitioner - mother, was directed to be produced before us.

3. On 19.03.2021, we passed the following order :-

"1. Pursuant to our order dated 18-03-2021, Shri Sitaram M. Mhetre, Police Inspector, Khultabad Police Station has brought Shaikh Anwar to the Court Hall. He is present before us. The said officer identifies him.

2. We are aware that Shaikh Anwar had earlier been arrested, since the petitioner informant arrayed him as an accused. Thereafter, he was granted bail by the trial Court. This Court passed an order on 11-02-2021 directing the Khultabad Police Station to take Shaikh Anwar into custody and record his statement.

3. The learned prosecutor points out Exhibit R-1 at page No.37 of his affidavit-in-reply, which is a statement of Bhaskar Roopchand Ghadge, brother of the missing person. He submits in his

statement that the missing person was a drunkard and because of his addiction, he was habituated to drinking at all times. He has then drawn our attention to the detailed statement of Shaikh Anwar recorded on 15-02-2021 and 16-02-2021. In both the statements, we find that Shaikh Anwar has explained the circumstances in which he had given Rs.200/- to the missing person at Patancheru in the godown of Padmashree transports. The CCTV footage indicates that the moment the missing person received Rs.200/-, out of which Rs.80/- were to be paid to the unloading hamals, he left the premises of Padmashree transport at Patancheru Dist. Sangareddy all alone, and thereafter, he neither returned nor anybody is aware about his whereabouts.

4. Shri Sitaram M. Mhetre, Police Inspector, Khulatabad Police Station instructs the learned prosecutor on the basis of the record that Khulatabad Police Station has collected detailed record of all dead persons (unclaimed bodies) from Patancheru Police Station, within whose limits the son of the petitioner went missing. It is suggested that the petitioner along with Shaikh Anwar can peruse the digital record which is voluminous, on a particular day, and scroll through the record to find out as to where the petitioner could identify any of the unclaimed dead persons to be his son.

5. The learned advocate for the petitioner submits, on instructions, that the petitioner would peruse the record along with Bhaskar, the brother of his missing son.

6. Considering the consent of the petitioner, the consent of his son

Bhaskar and of Anwar Shaikh, these three persons will visit Khultabad Police Station at 11:00 a.m. on 21-03-2021. Shri Sitaram M. Mhetre, Police Inspector, Khultabad Police Station would depute a person from the police station who would enable these persons to scroll through the digital record of all unclaimed dead bodies with Patancheru Police Station.

7. We are listing this petition on 24 March, 2021 at 02:30 p.m. to enable the petitioner to apprise us as to whether he could find his son amongst the unclaimed / missing dead persons.

8. Considering above, we are permitting the Khultabad Police Station to inform Shaikh Anwar that he would cooperate in the investigation as and when his co-operation is needed."

4. The learned Prosecutor and the learned Advocate for the petitioner submit that the petitioner herself, son of Ravindra, brother-in-law of Ravindra and a distant relative, had been to the Khultabad Police Station at 11.00 a.m. and have perused the entire digital record of the missing and dead persons, not only from district Sangareddy, but the entire State of Telangana. The period of such digital data is from May, 2019 to November, 2020. Upon perusal of the photographs of the missing and unclaimed dead persons, the petitioner noticed that her son does not figure in the said list. She however

expresses satisfaction as regards the efforts put-in by the Police Authorities.

5. The learned Prosecutor submits that though "A" Summary has been tendered, the investigation with regard to missing person Ravindra would continue and if they stumble across any information, the same would be shared with the petitioner. The learned Advocate for the petitioner also submits that if the investigation is going to continue, she would also convey any information that she may receive about her missing son, to the Khultabad Police Station.

6. As such, with the observation that the Khultabad Police Station will continue the search of the missing person, this Criminal Writ Petition is disposed off.

7. Since the learned Advocate has been appointed through Legal Aid, we quantify his fees at Rs.5000/- to be paid by the High Court Legal Aid Services, Sub-Committee, Aurangabad.

(B.U.DEBADWAR,J.)

(RAVINDRA V. GHUGE,J.)