

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.79 OF 2021

(Dr.Sangita Pakde .vs. State and Others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.Sandeep Marathe, Advocate for the petitioner.
Ms H.N.Jaipurkar, A.P.P. for respondent nos.1 to 3.
Smt.S.W.Deshpande, Advocate for respondent no.4.

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

DATE : 10.3.2021.

1. We have heard this matter for sometime. We have also gone through the reply filed on behalf of the State.

2. This petition seeks a direction to respondent no.3/Investigating Officer to complete the investigation in Crime No.47 of 2015 registered on 12th February, 2015 as soon as possible. But, we are of the view that, at this stage, such a prayer cannot be granted for the reason that the investigation has come to a naught for the sole reason of non-receipt of the information of handwriting expert in this case. It appears that the Investigating Officer had made his first contact with the handwriting expert on 7.5.2015, when, the admitted handwriting samples and the disputed handwriting samples were sent for examination and report to the handwriting expert. It is further seen from the reply that the Investigating Officer had made repeated requests to the handwriting expert on 27.7.2018, 27.2.2020, 17.4.2020, 21.7.2020 and lastly on 28.9.2020, but, to no effect. We can understand the difficulty of the Investigating Officer in this

case as the fate of investigation itself is dependent upon the opinion of the handwriting expert, given the nature of allegations made against the respondent no.4. The core allegation pertains to sending false complaint to the Investigating Officer by respondent no.4 by forging the signatures of different persons who have, as alleged by the petitioner, told the petitioner that those complaints did not bear their signatures. In such a case, unless report of handwriting expert is received, the Investigating Officer would feel handicap to proceed further in the matter and take the whole investigation to its logical end. Even otherwise, the law today has developed to such an extent that it has been considered to be unsafe to register offences and make investigation merely on the basis of report of a handwriting expert as, the evidence of a handwriting expert, for its acceptance, would depend upon several factors, which need not be elaborated here, considering limited settings of facts of the present case.

3. Then, as submitted by Smt.S.W.Deshpande, learned Counsel for respondent no.4, all the allegations made against respondent no.4 are false and baseless and that the complaints have been made by respondent no.4 candidly and openly against the petitioner. She also submits that respondent no.4 has made several complaints under her own signature and in her own name against the petitioner, disputing the appointment given to the petitioner.

4. Considering all these facts and circumstances of the case, we are of the view that this petition has been filed pre-maturely. Report of the handwriting expert is not yet received and as stated earlier, much depends upon the

opinion of the handwriting expert. In such a case, it is not possible for this Court to grant the prayer for issuance of direction to the Investigating Officer to complete the investigation immediately or in the near future. Therefore, we are not inclined to entertain this petition, atleast at this stage, though opportunity can be granted to the petitioner to approach this Court at appropriate time, if the need arises. The petition is, therefore, disposed of as pre-maturely filed with liberty, as aforesaid.

We, however, request the Government handwriting expert at Nagpur, to whom the matter has been referred, to send his opinion as early as possible, preferably within six months from the date of this order.

JUDGE

JUDGE

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Suraj
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signed by
Suraj Jaiswal
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