

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

CRIMINAL WRIT PETITION NO. 165 OF 2018

Sampatrao S/o Natthuji Barekar,
..VS..

State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai and
Ors.,

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

Court's or Judge's orders

None for the petitioner.
Shri A. S. Fulzele, Addl.P.P. for the respondents.

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 25th January, 2021

Called out again the second half. Absence of the petitioner continues and no one is present on his behalf. Heard Shri Fulzele, learned Addl.P.P. the respondents.

2. Shri Fulzele, learned Addl.P.P. has tendered a copy of the communication along with all the Annexures dated 16.12.2020. It is taken on record and marked 'A' for identification. One set of his communication along with the Annexures is kept ready by him for being supplied to the petitioner but nobody is present for the petitioner.

3. We have gone through the documents collectively marked 'A' and we have satisfied that now proper investigation has been done which has revealed

that nobody could be found as responsible for the untimely death of deceased Shewta. The petitioner had expressed his suspicion on Vikas Choudhari, Shivdas Chaukhe and Zingru Chaudhari. But, no circumstance whatsoever has been stated by the petitioner nor any material has been produced before the Court by the petitioner to show that the suspicion so expressed by him is not unfounded or is not reasonable. But, in order to satisfy the petitioner, this Court had directed on 19.09.2019 that the investigation be conducted by the Local Crime Branch, Chandrapur and it shall be done by an Officer not below the rank of Police Inspector under the supervision of the Superintendent of Police, Chandrapur, this order was complied with by handing over the investigation to Police Inspector of Local Crime Branch, Chandrapur who conducted the investigation under the supervision of the Superintendent of Police. The communication dated 16.12.2020 is in the nature of report of the new Investigating Officer and it gives all the details regarding the further investigation carried out by him into the incident. However, it is seen that there is not a single witness who has stated anything which would show, at this stage, involvement of any of the persons against whom suspicion has been expressed by the petitioner. It is further seen that even the C.D.R.'s were checked and proper inquiry through Cyber Cell was done. But, no calls and no information could be find out so as to establish any connection with the persons who have been called as suspects by the petitioner and the

place of the incident. Thus, no material or evidence could be collected by the Investigating Officer against the persons against whom suspicion has been expressed. To worsen the matter, the petitioner has also not provided any clue in the matter. This investigation, in our view has been carried out in a dispassionate manner and no doubt about the sincerity of the Investigating Officer can be expressed.

4. In the circumstances, this petition seeking a direction to the respondents to register criminal proceedings for the offence punishable under Section 302, 201 and 120(B) read with Section 34 of the Indian Penal Code and other relevant Sections is devoid of any merit and deserves to be dismissed. However, if any new circumstances or evidence is found against anybody, offences could always be registered by the Investigating Officer against such persons and liberty to this extent would have to be granted to the Investigating Officer and also the petitioner for resorting to such remedy as may be available in the law. With these observations, the petition stands **dismissed**. Liberty as aforesaid.

JUDGE

JUDGE