

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

CRIMINAL WRIT PETITION NO.1113 OF 2019

(Ashish Balu Wahane and another .vs. State, through the Secretary, Home Department,
Mantralaya, Mumbai and Others)

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

Court's or Judge's orders

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

DATE : 15.2.2021.

1. Heard Mr.R.A.Bagade, learned Counsel for the petitioners, Mr.N.R.Patil, learned Additional Public Prosecutor for respondent nos.1, 3 and 4 and Mrs.Mugdha Chandurkar, learned Counsel for respondent no.2. Perused the detailed reply filed in the matter by respondent no.4.

2. The reply filed by respondent no.4 shows that investigation is being carried out in the right direction and that the investigation so far made has revealed the hand of petitioner no.1 himself in committing murder of his own sister deceased Aparna at his own house.

3. Learned Counsel for the petitioners submits that the petitioners should be granted some more time to file rejoinder wherein the petitioners would be giving more details and clues as to how the persons involved in the homicidal death of deceased Aparna and petitioner no.1 have no role whatsoever in committing murder of

deceased Aparna.

4. In the ordinary circumstances, we would have certainly granted time as desired by the petitioners, but this case is not an ordinary case and therefore, we do not think that any more time should be granted to the petitioners in the matter. What appears to us now and as is clear from the detailed reply filed in the matter by respondent no.4 that the petitioners especially the petitioner no.1 is using pendency of this petition to create the picture that he is innocent. On the contrary, the picture that emerges is that there is sufficient material indicating prima facie involvement of petitioner no.1 in committing murder of deceased Aparna.

5. Learned A.P.P. has produced before us case diary of the investigation. We have gone through the same. We find that there are many witnesses who had seen petitioner no.1 lastly in the company of deceased Aparna at his house situated at Bodna, Tq.Morshi, District Amravati. There is also an angle of motive for petitioner no.1 to cause untimely and unnatural death of deceased Aparna. The Post Mortem report and other material collected during the course of investigation prima facie shows that deceased Aparna died homicidal death and that it does not indicate, atleast at this stage, any possibility of commission of suicide by deceased Aparna. So, this is not the case in which offence has been registered against petitioner no.1 and he has been

arrested in this offence only on the basis of statements given by petitioners in the Narco and Brain Mapping Tests, which evidence, at this stage, cannot be rejected as fanciful or baseless. In such a case, giving of any further time to the petitioners would only amount to causing interference in the investigation which is cruising in the proper direction. Therefore, we find that this petition is devoid of any merits.

6. At this stage, the learned Counsel for the petitioners still insists upon his stand that the Investigating Officer has not conducted proper investigation in the matter and has tried to shield Nilesh and two more persons namely Prashant Wahane and Lakhan Wahane. Such an argument of learned Counsel is only in the nature of defence of petitioner no.1 which he would have to take at the time when merits of evidence collected are required to be considered by the trial Court. In the circumstances, we are not inclined to entertain this petition. The petition stands dismissed.

Case diary is returned.

JUDGE

JUDGE

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