

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

CRIMINAL WRIT PETITION NO.1207 OF 2018

Vikas s/o Namdeorao Chore

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 petitioner.

Shri N. R. Patil, APP for respondents/State.

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

DATED : 15/02/2021

1. Nobody present for the petitioner. For the last occasion on 3rd February, 2021 also nobody was present for the petitioner and therefore this petition was kept today for dismissal. It is clear that petitioner is not interested in prosecuting this petition. Even otherwise, on merits of the matter, we do not think that this petition can be allowed by this Court for the reason that the reply filed on record by the Investigating Officer i.e. respondent no.2, which is in detail, shows that proper and satisfactory investigation has already been carried out by the police and now, there is no evidence direct or circumstantial, coming forth so as to substantiate the doubts expressed by the petitioner or the relatives of the

deceased about involvement of the friends of the deceased or some other persons and they having played some role in the death of Ritesh, son of the petitioner. Merely, because, Dr. R. R. Parise has given an opinion that possibility of death due to poison cannot be ruled out, would not mean that death of Ritesh was not suicidal in nature and that it was nothing but homicidal. Something more is required and it should be in the nature of some evidence, direct or circumstantial or at least in the nature of strong suspicion based upon some reasonable material.

2. In the present case, there is neither any evidence, direct or circumstantial pointing out involvement of some persons behind the suspicious death of Ritesh, nor is there any reasonable basis because of which some strong suspicion could be raised about involvement of some particular persons. The chemical analysis report dated 21.05.2015 states that the result of the analysis has shown that the viscera did not reveal any poison as being present therein. But, in the opinion of the doctor, sometime cases of poison may not be found in

visceral parts but, in the opinion of the doctor, there were some symptoms mentioned in panchnama and postmortem report, which were an indicator of the fact that possibility or likelihood of causing of death of Ritesh due to some unknown poison could not be ruled out. So, the death of Ritesh was under suspicious circumstances. Now what were the suspicious circumstances would be something which would be a matter of investigation.

3. This is a case in which Investigating Officer appears to have done his investigation in a proper and fair manner and quite painstakingly and yet, he could not come across any clues or circumstances, which would really help him unravel the mystery behind suspicious death of Ritesh. The investigation that he has made so far now at least rules out the possibility of the involvement of the persons against whom the petitioner and his relatives have raised doubts. But, beyond that the investigation has not come to a stage as to exactly what was the nature of death of Ritesh. This is something which only time would tell. For the present,

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the investigation having been done properly, there is no reason for us to keep this petition pending. After all, there are limits to human effort and in the present case, we see nothing lacking in the human effort taken by the Investigation Officer.

4. In the circumstances, we find this petition deserves to be dismissed and it stands dismissed accordingly.

JUDGE

JUDGE

Sarkate