

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2672 OF 2021

Bhaskar Shashank Sarkar and another ... Petitioners

Versus

The State of Maharashtra and another ... Respondents

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Mr. Shehzad Naqvi for the Petitioners.

Ms. Sangita Shinde, APP for the State.

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**CORAM: S.J. KATHAWALLA AND
MILIND N. JADHAV, JJ.**

DATED : FEBRUARY 28, 2022

P.C. :-

1. Perused our earlier Orders. Pursuant to the directions issued by us vide Order dated 31st January, 2022, a Special Investigation Team (SIT) consisting of officers and staff from Detection Crime Branch, C.I.D., Unit X and Kherwadi Police Station, Mumbai was constituted by the Commissioner of Police, Mumbai, to trace the lady – Ms. Uma Sarkar who went missing from the Kherwadi Police Station since 16th February, 2021.

2. We are today informed by a detailed report dated 15th February, 2022 filed by Shri Sangramsinh Nishandar, Deputy Commissioner of Police (Detection I), Crime Branch, C.I.D., Mumbai, that the missing lady - Ms. Uma Sarkar had met with a Railway accident on 7th March, 2021 at Valsad and her right leg got severed and her

left leg was crushed and mangled. She survived thereafter for about eighteen days and ultimately passed away. The record shows that she had given her name as 'Uma Sorkar'. Her clothes which were retained at the hospital and photographs of which are produced before this Court shows that at the time of accident she had worn the same clothes which she had worn when she left the Kherwadi Police Station on 16th February, 2021. Upon going through the hospital and the ambulance records and the photographs, we are convinced that Ms. Uma Sarkar had indeed met with a train accident at Valsad after which she passed away.

3. The negligence of the officials of the Kherwadi Police Station as recorded in our earlier orders has costed, her life. Though the family members of Ms. Uma Sarkar have taken a stand that the lady shown in the photograph is not their mother, their Advocate representing them has submitted that from the records submitted by the hospital through the police even according to him the lady who has passed away in the railway accident is Ms. Uma Sarkar. The Police authorities have submitted that they are willing to carry out DNA tests if the children of Ms. Uma Sarkar co-operates with them. The children of Ms. Uma Sarkar may therefore co-operate with the Police authorities and get the necessary tests carried out which would take care of all the doubts nurtured by them qua the identity of Ms. Uma Sarkar. In view of the above, we hereby close the matter, and the Writ Petition is disposed off.

(MILIND N. JADHAV, J.)

(S.J. KATHAWALLA, J.)