

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR, NAGPUR.

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CRIMINAL WRIT PETITION NO. 33 of 2022

Maya wd/o Ashok Nagwanshi (Nagotra) .. Petitioner

versus

1) State of Maharashtra and others .. Respondents

.....
Ms.Radha Mishra, Advocate (appointed) for the petitioner

Mr.S.S. Doifode, APP for Respondent nos.1 to 4

Ms.Payal S. Kaware, Advocate for Respondent no.3
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CORAM: ROHIT B.DEO &
ANIL L.PANSARE, JJ.

DATED : 27th September, 2022.

P.C. :

Heard the learned counsel for the respective parties.

2. It is the case of the petitioner that on 14th June 2021 the respondent no.2, whose 1700 soyabean fortune refined oil boxes/ containers was carried by the deceased driver in 14-wheeler truck. 160 oil boxes/containers were stolen. It is further the case of the petitioner that the respondent no.1 has arrested the deceased on the same day i.e. 14th June 2021. The truck was parked in the premises of Police Station, Kondhali.

3. The petitioner, who is the wife of the deceased, has made an allegation that the deceased suffered custodial death. However, in the pleadings in para 5, the petitioner herself has stated that the deceased was found dead in the truck by hanging himself with a gear wire. According to the respondent no.1 the

truck was parked 500 meters from Police Station and that the deceased may have hanged himself under the pressure of registration of FIR against him.

4. Having heard both sides and having gone through the material placed before us, it cannot be said that the deceased has suffered custodial death. There is nothing on record that the deceased was arrested on 14th June 2021. The truck was parked at a distance of 500 metres from the Police Station. The deceased has hanged himself. The petitioner could not show any material to arrive at a different conclusion than what we have recorded above.

5. We, therefore, do not find any merit in the petition. Writ Petition is dismissed.

6. The professional fees of Ms. Radha Mishra, learned Advocate (appointed) be quantified and paid in accordance with the rules.

[ANIL L. PANSARE, J.]

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[ROHIT B. DEO, J.]