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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4107 OF 2024

Anna Maruti Shinde
Versus
The State of Maharashtra

...Petitioner
...Respondent

Mr. Amit Katarnaware a/w Ms. Pooja Dongre & Mr. Aditya
Kararnaware for the Petitioner.

Dr. Birendra Saraf, A.G. a/w Mr. H.S.Venegavkar & Mrs. P.P.Shinde,
A.P.P for the Respondent-State.

Mr. Prashant Waghunde, Superintendent of Police and Mr. Vijaykumar
Doke, Deputy Superintendent of Police, from State CID, Navi
Mumbai, present.

**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.**
DATE : 18th NOVEMBER, 2024

P.C. :

1. Heard learned Counsel for the parties for quite some time.
2. Perused the letter received from the Chief Judicial
Magistrate, Thane, dated 14th November, 2024, seeking extension of

four weeks time for submission of the Inquiry Report i.e. Magisterial Inquiry which is being conducted under Section 196 of the BNSS into the custodial death of Akshay Shinde. It appears that the said inquiry is pending before the Jurisdictional Magistrate Shri. A.R. Shendge, J.M.F.C., 1st Court, Thane. From the said letter, it appears that the inquiry has commenced.

3. During the course of the hearing, Dr. Saraf, learned Advocate General, tendered a report regarding the investigation done by the State CID from 24th September, 2024, after the investigation was transferred to the State CID, Navi Mumbai from Mumbra Police Station, till date. The said synopsis/chart is taken on record.

4. Dr. Saraf, learned Advocate General, has also placed on record a document which enlists the questions raised by this Court vide order dated 3rd October, 2024 and the reply to the said questions. Dr. Saraf has also tendered before us the Forensic Expert Report. All the said documents are taken on record.

5. During the course of hearing, it was brought to our notice that inquiry is still pending. It appears that recreation of the scene of incident is yet left to be done. The explanation offered for the delay i.e. for not doing the same till date appears to be flimsy. Dr. Saraf, learned Advocate General, on instructions of Mr. Prashant Waghunde, Superintendent of Police, State CID, Navi Mumbai, seeks two weeks time so as to enable the Police to submit all the documents to the learned Magistrate conducting the inquiry under Section 193 and 196 of the BNNS. Statement accepted. We find that unless all the documents are submitted by the Police and as sought for by the Magistrate, are handed over to the Magistrate, the Magistrate will not be in a position to complete his inquiry in time.

6. Stand over to **2nd December, 2024.**

7. As of today, time is extended till 2nd December, 2024, however further time will be extended on the next date after the

learned Advocate General makes a statement that all the papers pertaining to the said inquiry have been handed over to the learned Magistrate.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.