

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.4107 OF 2024
a/w
INTERIM APPLICATION [STAMP] NO.22062 OF 2024
IN
CRIMINAL WRIT PETITION NO.4107 OF 2024**

Anna Maruti Shinde	]	Petitioner
Vs.		
The State of Maharashtra	]	Respondent

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Mr. Amit A. Katarnaware a/w Mr. Nitish K. Pawar and Mr. Aditya Katarnaware, for Petitioner.

Dr. Birendra Saraf, Advocate General a/w Mr. H.S. Venegavkar, P.P a/w Ms. P.P. Shinde, A.P.P, for Respondent – State.

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

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**CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, J.J.**

DATE : 2nd December, 2024.

P.C:

1. Dr. Saraf, learned Advocate General, on instructions of the Superintendent of Police – Prashant Waghunde states that all documents collected during the course of inquiry have been submitted to the learned Magistrate on 27th November, 2024. He

submits that apart from other documents which were submitted to the learned Magistrate, the State C.I.D has submitted the recreation panchanama dated 25th November, 2024; statement of Shri Shekhar Ramdas Bagde – A.C.P Crime dated 19th November, 2024; and certain additional documents/statements recorded.

2. Although, Dr. Saraf, on instructions, states that all documents have been submitted to the Magistrate, however, we on perusal of the statement of the Doctor find that the X-Ray film of Nilesh More, taken by the concerned Doctor, has not been collected by the State – C.I.D, for reasons best known to them.

3. Dr. Saraf, on instructions of the Superintendent of Police – Prashant Waghunde, who is present in Court, states that the X-Ray film will be collected at the earliest, either from the concerned Hospital or the patient and will be submitted to the learned Magistrate.

4. No investigation has been done by the State CID also with respect to the hand-writing/two sentences mentioned above Shekhar Bagde's statement in Hindi on the M.L.C paper. Similarly, the

Police have not taken care to record the statement of Dr. Aniruddh Malgaonkar (Kalva Hospital) who has written in English on the case papers.

5. Dr. Saraf assures that inquiry will be done with respect to both the aspects and necessary papers will be submitted to the learned Magistrate within one week from today. Statement accepted.

6. Needless to state, that if the learned Magistrate conducting the inquiry seeks additional information/documents/statements from the Police, the Police to provide the same.

7. Since the papers have been sent belatedly to the Magistrate conducting the Magisterial inquiry and some papers are to be submitted within one week from today, we deem it appropriate to extend the time as sought for by the learned Magistrate.

8. Stand over to **20th January, 2025.**

9. The learned Magistrate to submit his report on the next date, in a sealed envelope, if the same is ready.

[PRITHVIRAJ K. CHAVAN, J.]

[REVATI MOHITE DERE, J.]