



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

4 CRIMINAL WRIT PETITION NO. 553 OF 2025

Gulab Digambar Madne
Versus
The State Of Maharashtra And Others

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Mr. Deshpande Chaitanya Chandrakant, Advocate for the Petitioner
Mr. A. D. Wange, APP for Respondent Nos. 1 to 3

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CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 7th MAY, 2025

ORDER :

1. In view of our order dated 02.05.2025, the investigation papers are made available. It appears that investigation is with Police Head Constable attached to Police Station Markhel. According to the petitioner, he was assaulted with knife in stomach and wooden log on head and while going, the accused persons had threatened him to kill.

2. We have perused the injury certificate that has been collected by the present Investigating Officer from the Medical Officer, PHC, Markhel which shows that three injuries were noticed on the person of the petitioner. One was incised lacerated wound - over left side of abdomen - over lateral side - regular, clear cut, 3x2x2 cm in size within

24 hours with sharp and hard object and it is stated to be simple injury. The second injury is close to lacerated wound - over head on vertex - irregular wounds - 4x2 cm in size, caused within than 24 hours by hard and blunt object stated to be simple, however CT Scan was advised. The third injury is blunt trauma over right arm which was by hard and blunt object and it was simple injury. Then a query appears to have been asked to the medical officer who says that the first two injuries are possible with sharp and blunt object on each side.

3. The petitioner states that he has got the CT Scan done and was also admitted in Udaygiri Multispeciality Hospital, Udgir, Dist. Latur from 18.02.2025 to 20.02.2025. The copy of the discharge card is tendered now, however, Investigating Officer in his investigation papers appears to have not collected the further documents. Further the supplementary statement of the petitioner also appears to have not been taken. Certainly, when documents are available, they ought to have been collected. When learned APP was asked to get the instructions from the Investigating Officer as to why he has not collected these documents regarding the admission of the informant and as to whether the CT Scan was got done by the petitioner or not, the reply has been given that the petitioner has not supplied those documents to him. The Investigating Officer cannot rely upon the witnesses for the documents. It is for him to

search and get those documents by visiting the places. He cannot sit idle in the Police Station and say that those documents were not supplied to him. Certainly, there is complete investigation as on today, and therefore, we also cannot give directions to the Investigating Officer to take steps regarding arrest of the accused, because the law is very clear on this point. With these directions regarding transfer of investigation to another officer, we dispose of the writ petition.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

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