



**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

943 CRIMINAL WRIT PETITION NO. 1568 OF 2020

MAROTI FALAJI KADAM

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

....

Mr. Dhananjay M. Shinde, Advocate for the Petitioner

Mr. P. S. Patil, APP for the Respondent – State

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**CORAM : SANDIPKUMAR C. MORE AND
Y. G. KHOBRAGADE, JJ.**

DATE : November 26, 2025

PER COURT :-

1. The present petition is filed for direction to respondent Nos. 1 and 2 to reinvestigate the F.I.R. No.67 of 2019 dated 18.05.2019, registered with Basmat Rural Police Station, through independent investigation agency like Special Investigation Team, etc., without getting influenced by the charge-sheet dated 20.04.2020 filed in Crime No.67 of 2019.

2. On going through the record, it appears that the petitioner who is father of deceased victim girl, is claiming that

the cause of death found by the Medical Officer, who conducted postmortem over the dead body of the victim girl, is due to strangulation with evidence of head injury. However, the record further shows that this Court vide order dated 23.02.2021, had directed the District Superintendent of Police to take over the investigation. Thereafter, the S.D.P.O., Hingoli, Gramin Sub-Division, carried out further investigation and submitted report dated 08.05.2021. On perusal of the same, it appears that the subsequent Investigating Officer had come to the same conclusion as that of earlier Investigating Officer. It was confirmed that the death of victim girl caused to to strangulation with evidence of head injury and the said strangulation as per the medical officer was possible due to injury Nos.15, 16, 17 and 20 of the postmortem report No.25 of 2019. Thus, the subsequent Investigating Officer has opined that the earlier investigation was proper and the charge against the accused under Section 306 of I.P.C. found appropriate. It is to be noted that the cause of death is ascertained by an expert. The Court cannot substitute the said cause on its own knowledge. Therefore, nothing survives in the instant petition at this stage and therefore, it stands disposed of.

3. We would like to make it clear that the observations expressed by this Court are preliminary in nature, and the concerned Sessions Judge conducting the trial of this offence shall not be influenced by them, but shall decide the case on its own merits and on the basis of the evidence led before him.

[Y. G. KHOBRADE, J.]

[SANDIPKUMAR C. MORE, J.]

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