



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

CRIMINAL WRIT PETITION NO.1749 OF 2023

**PRATIBHA W/O PULKESHI KULKARNI
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...
Mr. Bhargav B. Kulkarni Advocate for Petitioner.
Ms. R.P. Gour, A.P.P. for Resp. No.1.
Mr. S.B. Rajebhosale Advocate for Resp. No.2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 5th FEBRUARY 2025

ORDER :

1. In pursuant to our order dated 31st January 2025, the investigating officer is present and learned APP is tendering his affidavit. We have gone through the affidavit. Though it appears that he was handed over with the investigation after the registration of the offence, the report from the medical board was already taken and at that time the investigating officer was different. Since prior to the FIR, there appears to be a private complaint that was lodged. It is to be noted that after the registration of the offence, the present investigating officer

ought to have considered as to whether all the documents have been seized in the matter earlier or they are before the appropriate authority. When the opinion of the medical board was sought, it appears from the charge-sheet that the medical board had given a letter on 27th December 2022 to P.I., Jinsi Police Station asking for the record / documents, i.e. - (1) in respect of the opinion of the doctor (the treating doctor) regarding the present status of the patient and the photographs of the injury and (2) all the medical papers regarding treatment given to the patient after 4th November 2022. It appears that only photocopy was made available to the medical board and the medical board has given opinion on the same. The investigating officer submits that it was the photocopy on which the signature of the accused was taken.

2. We are not much convinced with the reason that has been given by the investigating officer for not collecting the original IPD papers. However, since he is tendering apology, and undertakes to correct the mistake and also undertakes that he would take every care and caution in future in carrying out investigation and will perform his duty more sincerely and diligently, we accept his apology.

3. In view of our order dated 31st January 2025, we have taken the custody of the original. We direct the learned Registrar (Judicial) to handover the original papers in sealed envelope to the investigating officer within two days.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/FEB25