

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

CRIMINAL WRIT PETITION NO.5772 OF 2024

Poonam Nityanand Pandey

... Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Ms. Tamsin Monis i/b Mr. Sadanand Bansode for the Petitioner.

Ms. Kranti T. Hiwrale, A.P.P for the Respondents-State.

PSI – Mr. Santosh Wakchaure from Bhiwandi Taluka Police Station,
Thane Rural, is present.

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.***

DATE : 3rd MARCH 2025

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks a direction to transfer the investigation of C.R. No.119 of 2019 registered with the Bhiwandi Taluka Police Station, Thane Rural to the Central Bureau of Investigation; to re-arrest the accused and other accused in the aforesaid C.R.; to file a comprehensive charge-sheet in the Sessions

Court; appointment of a Special Public Prosecutor and for conducting Narco and Lie Detector tests of all the accused named in the crime.

3. Learned APP states that the police have investigated the case fairly and impartially. She states that an FIR was registered on the basis of the petitioner's complaint on 17th March 2019 with the Bhiwandi Taluka Police Station, Thane Rural. She states that after investigation, charge-sheet has been filed in the said case against two accused on 18th July 2019. She states that the first supplementary charge-sheet in the said case was filed on 27th September 2019. Learned APP states that the second supplementary charge-sheet has been filed on 1st March 2025 and that in the second supplementary charge-sheet, all the lacunae pointed out by the petitioner have been addressed whilst filing the same. She states that the police have collected the bank statements of the accused, the CDR and IPDR of one of the accused and several other documents and that all these documents have been included in the second supplementary charge-sheet. She states that although the petitioner has alleged that the

statement of the eye-witnesses have not been recorded, the police had found only one eye-witness in the said case who had seen the deceased being picked-up by the accused and as such have recorded his statement.

4. Perused the papers. As noted above, the incident is of 16th March 2019. The petitioner is the wife of the deceased, who lodged the complaint with the Bhiwandi Taluka Police Station on 17th March 2019, pursuant to which, C.R. No.119 of 2019, came to be registered with the Bhiwandi Taluka Police Station. During the course of the investigation, two accused came to be arrested and charge-sheet has been filed against the said accused. It appears that the police have already recorded the statement of one of the eye-witness in the said case, who had seen the deceased being picked up by the accused. It further appears that the first supplementary charge-sheet in the said case was filed on 27th September 2019. The aforesaid petition has been filed in August 2023 alleging that the police have not conducted the investigation properly. Pursuant thereto, learned counsel for the

petitioner tendered certain lacunae in the charge-sheet filed by the police, which were addressed by the police and additional material was collected i.e. bank statements of the accused, the CDR and IPDR of one of the accused and several other documents were also collected. Learned APP states that since there was no CCTV footage, the police have not collected the same. According to the petitioner, not a single eye-witness's statement has been recorded. The same is not true, inasmuch as, the police have recorded the statement of one eye-witness who had seen the deceased being picked up by the accused. As far as the place where the dead body was found, there are no eye-witnesses to the same. It appears that the police during the course of the investigation have looked into all the angles as suggested and pointed out by the petitioner and have collected the same. The second supplementary charge-sheet has been filed only on 1st March 2025 with all the additional documents.

5. Considering the aforesaid, no case is made out for transfer of investigation to the CBI, considering that the police have collected

the evidence as against the accused and filed three charge-sheets. Considering what is stated aforesaid, the Petition is dismissed and disposed of as such.

6. Needless to state, that the police to submit the Viscera report of the deceased to the trial Court, as soon as the same is received.

7. All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.