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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2325 OF 2024

Baina Dadabuva Balid ...Petitioner
Versus
The State of Maharashtra ...Respondent

Mr. Karim Pathan a/w Mr. Abdul Kalam Shane Illahi Turkey & Mr. Tabish Shaikh for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

PSI Mr. Pardhi attached to Pant Nagar Police Station, present.

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.
DATE : 15th APRIL, 2025**

P.C. :

1. Heard learned Counsel for the parties.
2. By this petition, the petitioner seeks a direction to the re-investigate C.R.No. 367 of **2022** registered with the Pant Nagar Police Station, Ghatkopar (East), Mumbai; and to arrest the real culprits in

the said C.R.

3. Learned APP submits that chargesheet was filed in the said case on 20th September, 2022 for the alleged offences punishable under Sections 279, 304, 337 etc. of the Indian Penal Code and the provisions of the Motor Vehicles Act.

4. Perused the papers. The petitioner is the mother of the deceased – Aashish. According to the prosecution, Aashish died in a car accident, whereas, according to the petitioner, it was a pre-planned murder and not an accident. It is the petitioner's case that due to bias, the Police did not investigate her complaint in its right perspective. It is further the petitioner's case that Aashish had withdrawn an amount of Rs.60,000/- on 6th May, 2022 and that the Police have not investigated why the said money was withdrawn for and what happened to the said money. According to the petitioner, Aashish's two friends, Aniket Bansode and Pravin Nair are involved in the said incident of murder of her son. It is submitted that no investigation

has been done by the Police *qua* the role of the said accused.

5. We have perused the chargesheet and the papers of investigation and are *prima facie* satisfied with the investigation carried out by the Police of the Pant Nagar Police Station, Ghatkopar. It appears that in the accident that took place, the petitioner's son sustained injury and ultimately succumbed to the same. It further appears that Aashish's friend Aniket Bansode who was driving the vehicle also sustained the injuries i.e. Mild subarachnoid hemorrhage in the left high fronto-parietal region; a small parenchymal contusions in the right superior frontal para-sagittal and the left parietal parenchyma and in the left parietal cortex, with associated minimal perilesional edema; undisplaced fracture of the right nasal bone; slightly displaced fracture of the lateral wall of the right maxillary sinus with mild haemosinus; soft tissue swelling / contusions along front-nasal region, with few small foreign bodies within it. It further appears that Aniket had to undergo a CT scan for his brain considering history of RPA with trauma. In the said CT scan, an

undisplaced fracture of the right nasal bone, a slightly displaced fracture of the lateral wall of the right maxillary sinus with mild haemosinus and a CLW was also noted alongwith superior frontal convexity. The nature of injuries show, that Aniket had suffered the same during the accident.

6. It is the petitioner's case that except her son - Aashish none suffered any injuries. No doubt, Aniket's Medical Certificates have not been annexed with the chargesheet, but the material collected by the prosecution during the course of investigation shows that Aniket had also suffered the aforesaid injuries. The medical report shows that the petitioner's son - Aashish had suffered a head injury with fracture of bilateral shoulder girdle, in a road traffic accident. This is what is revealed in the Post Mortem Report. No other injuries apart from the same were seen on the body of Aashish.

7. Considering the aforesaid and the fact that chargesheet is filed, there is no reason to direct re-investigation of the said case. It

may be noted, that chargesheet has already been filed against Aniket Bansode for the offences as stated above.

8. Considering the aforesaid, there is no merit in the petition.

9. Petition stands dismissed.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.