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

**ANAND
SUDHAKAR
SUDAME**

CRIMINAL WRIT PETITION NO. 4287 OF 2025

Hemant Kumar Manakchandji Jain

.. Petitioner

Versus

The State of Maharashtra & anr.

.. Respondents

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Ms. Pushpa Ganediwala a/w. Mr. Amit Tiwari, Mr. Ankit Dhindale,
Mr. Omkar Bajaj, Mr. Ankit B. Rathod, Mr. Pradyumna Agrawal i/b.
Mr. Abhinav J. Dubey, Advocates, for the Petitioner
Mr. S. V. Gavand, APP, for the Respondent – State
Mr. Rajendra Patil, PI, Extortion Cell, Pimpri-Chinchwad present

CORAM: RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE: 14th AUGUST, 2025

FINAL ORDER (Per Ravindra V Ghuge, J)

1. The Petitioner is the father of the deceased, who was a married woman. She has died on 25th February, 2021 at Pune in her matrimonial home. Her husband has reported the case as been a case of suicide by hanging with the aid of an Odhani. An FIR No. 0069 of 2024 is registered on 4th April, 2025 at 23.40 hours with the Sanghvi Police Station, Pimpri-Chinchwad, District –

Pune. Section 108 of the Bharatiya Nyay Sanhita (in short '**BNS**') has been invoked.

2. The Petitioner before this Court contends that his elder daughter has died under suspicious circumstances within her residential home. The husband was at home having taken ½ day leave. Blood was oozing from the nose and face of the deceased which indicates injuries. Investigation conducted by Respondent No. 2 is alleged to be suspicious because viscera of the deceased was not preserved. The Accused was absconding for 65 days and he has surfaced after he succeeded in getting pre-arrest bail.

3. The Petitioner has submitted a detailed five pages complaint to the SHO of the Sanghvi Police Station on 4th March, 2025. It is specifically alleged that the Accused had an affair with a woman, prior to his marriage with the Petitioner's daughter. After marriage, his daughter came to know that he was never willing to marry her and was compelled by his family members. Since he desired to live life with the woman whom he loved, this became a cause for frequent quarrels between the married couple. The deceased had also alleged of being physically abused. A daughter was born from their marriage and who died after one and half years allegedly due to falling from the bed. The

Accused had assured the family members that he would detach himself from that woman and yet their extra-marital relationship had continued.

4. The learned APP is instructed to inform us that when the alleged incident of death of the deceased occurred, the Accused was inside the home. The bed room door was open. He was watching television in the adjacent hall and simultaneously the deceased is alleged to have hung herself with an odhani, by keeping the bedroom door open.

5. The learned APP has shown us the Post Mortem Report dated 26th February, 2025. The post mortem was conducted from 11.15 a.m. and concluded at 12.15 p.m. on the same day. The body of the deceased was kept in the hospital over-night and taken for the post mortem in the day time on the plea that the post mortem is not conducted during the night.

6. Item No. 17 of the Post Mortem Report, reads as under :-

17)	Surface wound and injuries :- Their nature, position, dimensions (measured) and directions to be accurately Stated their probable age and cause To be noted.	Ligature mark present over neck of length 23 cm, maximum width of 3.5 cm present over right lateral aspect of neck, situated 05 cm below chin in midline, 03 cm below right angle of mandible, 09 cm below right mastoid tip, 06 cm below left mastoid tip, absent below left angle of mandible, and
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	If bruises be present what is the condition of Subcutaneous tissue ? (N.B. :- When injuries are numerous and cannot be mentioned within space available. They should be mentioned on a separate Paper which should be signed)	10 cm above suprasternal notch in midline, absent for distance of 09 cm over nape of neck. Skin over ligature mark is reddish-brown, hard, parchmented. On dissection of neck – underlying subcutaneous tissue is pale, glistening white, thyroid and cricoid cartilages are intact and hyoid bone is intact, no fracture.
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7. Similarly, Clause No. 18 which pertains to injuries discovered by external examination, reads as under :-

18)	Other injuries discover by external Examination or palpation as fracture etc. a) Can you say definitely that injuries Shown against serial nos 17 and 18 are Anti mortem injuries.	Not any fracture. Yes, ante mortem in nature.
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8. The learned APP informs us that a suicide note was found in the same bed room whose door was open. Neither the husband nor any body was required to break open the door. The Petitioner Complainant has alleged that the hand writing on the note is not of his daughter. So also the signature. The I. O. has referred the note to a handwriting expert.

9. Considering that surface wounds around the neck of the deceased, mentioned in the injury column, they does not indicate any damage to thyroid

and cricoid cartilages. The hyoid bone is intact/no fracture. This case has a serious angle. It could be that the deceased was beaten and strangled and then a picture of having hung herself was created. A proper investigation and trial would lead to the truth.

10. The grievance of the Petitioner is that Section 103 has intentionally not been invoked only to leave a serious loop-hole in the investigation and to protect the Accused. It is further submitted that legs of the deceased were found to be folded and touching the chair (partial hanging) when it is contended that she hung herself in the flat resulting in her death.

11. *Prima facie*, we are of the view that, in this case, homicidal death cannot be ruled out and Section 103 should have been invoked. The learned Advocate for the Petitioner points out that a detailed complaint was tendered to the police station in Marathi language. The same is not reproduced in the FIR.

12. The learned APP submits on instructions from Mr. Rajendra Patil, investigating officer, that he is willing to add Section 103 to the FIR. He further assures us that an impartial investigation would be carried out. The new investigating officer, Mr. Rajendra Patil has taken charge on 2nd July, 2025. He

would do the best possible as could be required for a proper investigation. He would also write to the handwriting expert for submission of the report as regards the handwriting on the suicide note. Admitted handwriting of the deceased obtained from the Petitioner father and the Bank signature obtained from the Bank, have all been submitted to the handwriting expert for analysis.

13. The learned Advocate for the Petitioner submits that the death of the deceased has occurred on 25th February, 2025. The crime was registered on 4th March, 2025. The Petitioner father has lost hope. He prays that the matter may be transferred to a higher investigation agency.

14. In view of the above, we record the statement of the investigating officer that Section 103 would be promptly added to the FIR by following the procedure laid down in law. The contention of the Petitioner Complainant which is typed in Marathi language dated 4th March, 2025 would also find place in the investigation. We direct the Commissioner of Police, Pimpri-Chinchwad Commissionerate to depute an expert lady police officer, not below the rank of the DYSP/DCP, to supervise the investigation which would be carried out by the newly appointed investigating officer. We also direct the handwriting expert to ensure that the report be tendered at the earliest and

preferably on or before 5th September 2025, keeping in view that the documents have been delivered to him for his analysis on 26th June, 2025.

15. With the above directions, **this Petition is disposed off.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]