

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4467 OF 2025

Kailashbaa Prabhatsinh Jadeja

...Petitioner

Versus

Chief Medical Officer & Ors.

...Respondents

Mr. Ramesh Golait a/w Mr. Dinesh Sonawane, Advocate for the
Petitioner.

Mr. Shantanu Thorat h/f Mr. H.S. Venegavkar, Spl. P.P. for
Respondents.

Mr. Y.Y. Dabake, APP for the Respondent/State.

CORAM : RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE : 22nd AUGUST, 2025

P.C. :-

1. This Petition is a classic example of misuse or abuse of
the process of law.

2. The son of the Petitioner, who was working as an
Assistant Sub-Inspector in the National Investigating Agency (NIA)
for around 15 years, met with a motorcycle accident around 10:00
p.m. on 25th October, 2024. It is said that a 'party' had taken place in
his house near the Police Station. He was travelling to the Police
Quarters where his mother was residing.

3. The Police report indicates that the bike slipped on the road and the deceased suffered head injuries. At around 00:30 a.m. on 26th October, 2024, he was taken to the hospital by the Police staff. The Police recorded the time of death as 00:30 a.m. An autopsy was conducted in the Government Hospital, Daman, Department of Forensic Medicine and Toxicology, Daman. The date of death was indicated as 26th October, 2024 at 1:19 a.m.

4. The Petitioner is the mother of the deceased and has put forth Prayer Clauses B and C, as under :-

“B. That this Hon’ble Court be please to issue a appropriate writ of mandamus or certiorari and directs for the strict action against the Medical officer, Government Hospital, Daman and to register FIR against him;

C. That this Hon’ble Court be please to issue a appropriate writ of mandamus or certiorari to constitute independent committee and, pending the hearing and final disposal of this petition, to produce the report for the aforesaid gross negligence done by the investigating officer and Medical Officer, Daman”

5. The Petitioner had approached the Court of Judicial Magistrate First Class, Daman under Section 175(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’). By a

reasoned order dated 3rd June 2025, the learned Magistrate concluded that it was a case of a road accident and no other possibility is involved. The deceased suffered head injuries. The CCTV footage perused by the learned Magistrate indicates that the deceased was driving the motorcycle alone and there was no pillion rider. Statement of the witnesses support these circumstances. The proceedings are, therefore, dismissed.

6. By this Petition, the Petitioner desires that the Medical Officer from the hospital, who performed his duty of conducting the autopsy in the middle of the night, should be prosecuted. We do not find that this Petition deserves to be entertained, in as much as, the Petitioner should not have filed such type of Writ Petition, wherein there is hardly any suspicious role of the Medical Officer in any conspiracy. He merely performed his duty of carrying out an autopsy.

7. We could have imposed costs in this matter. However, since the Petitioner is the mother of the deceased and is a senior citizen, that we are not imposing cost.

8. In view of the above, this **Writ Petition is dismissed.**

(GAUTAM A. ANKHAD, J.)

(RAVINDRA V. GHUGE, J.)