

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

WRIT PETITION NO.5254 OF 2025

Deepali Ramakant Gadewar

.. Petitioner

Vs.

State of Maharashtra & Anr.

.. Respondents

...

Mr. Amol B. Jagtap, Advocate for the Petitioner

Mr. S. V. Gavand, Additional Public Prosecutor for
the Respondent-State

...

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM A. ANKHAD, J.**

DATE : 13th OCTOBER 2025

P.C. :

Seeking fresh investigation in SCC No.1499 of 2025 pending before 12-3rd Jt. Civil Judge Junior Division and Judicial Magistrate First Class, Pimpri, this writ petition has been filed.

2. Without going into the facts of the case, we may simply observe that the report from YCM Hospital, Pimpri recorded the cause of death as 'Septicaemia due to Bronchopneumonia'.

3. Mr. Amol B. Jagtap, the learned counsel for the petitioner referred to a document dated 8th October 2024 at running page no.53 which, according to him, gives an entirely different cause of death. The learned counsel for the petitioner refers to the judgment in "*Babubhai v. State of Gujarat & Ors.*" (2010) 12 SCC 254 to support the prayer seeking fresh investigation. On a mere glance at the decision in "*Babubhai*", we gather that the decision in the said case was rendered in respect of lodging of more than one First Information Reports. Whereas, for invoking the jurisdiction of the

Court under Article 226 of the Constitution of India, the aggrieved party must *prima-facie* disclose such facts, glaring facts to the Court so as to exercise the powers to issue mandamus.

4. In view of the opinion from YCM Hospital, which is a third party and unrelated to the dispute sought to be raised by the petitioner with Sassoon Hospital, Pune, which conclusively records the cause of death, this writ petition must be held not maintainable.

5. Writ Petition No.5254 of 2025 is dismissed.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]

JAYANT
VISHWANATH
SALUNKE

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