

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.206 OF 2025

Humair @ Umair Mohammed Shafi Mansuri and anr. ... Applicants

V/s.

State of Maharashtra and another ... Respondents

Mr. Tajammul Khan i/b. Mr. Mizan Khan for Applicants.

Mr. Hiten Venegaonkar, Special PP a/w. Mr. Ajay S. Patil for Respondent-State.

Mr. Pravin Munde, DCP, Zone-1.

Mr. Sanjay Kate, Sr.PI., J. J. Marg Police Station, Mumbai.

Mr. Sunil Warangule, P.S.I., J. J. Marg Police Station, Mumbai.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 25th JULY 2025

PC.:-

- 1) Perusal of record and in particular First Information Report, clearly discloses that a specific allegation of use of sharp edge instrument by the accused in assaulting the first informant is made. The injury certificate issued in favour of first informant namely Usama Mohammed Afzal Khan by the Medical Officer of Sir J. J. Group of Government Hospitals, Mumbai.
- 2) Photocopy of Injury Certificate dated 15th February 2025 is

taken on record. For ease of reference, scanned copy of Injury Certificate is reproduced hereinbelow :

SIR J. J. GROUP OF GOVT. HOSPITALS, MUMBAI-8
Injury Certificate
34839

E.P.R. No. & Date 528/KUJ, 09/01/2025
Date 15/02/2025

To The Investigation Officer PSI - Sunil Warangule Ref. Lett. No. 1459/2025
Name of Patient Osama Khan Consent for Examination yes
Date & Time of Examination 09/01/25, 4:20 pm P.S. JCH

Brought & Identified by Police Constable HC-12894
History of the Incidence 3-unknown person by knife over chest, Neck, Nose, head
AIHO assault by 3-unknown person by around 3:15 pm @ Surti, Mehabla
(L) side of lower abdomen on 09/01/25 @ around 3:15 pm @ Surti, Mehabla

Sr. No.	Nature of injury (2)	Size of injury (length & breadth) & depth direction (3)	Site of injury (4)	Simple or grievous or dangerous to life (5)	Kind of weapon used (6)	Age of injury hours/day (7)	Remark (OPD/IPD/DEATH) (8)
1)	Multiple Abrasions	8x0.5 cm	chest	simple	-	24 hrs	Adv ESR/E-ENT X-ray chest < lat. X-ray skull < lat X-ray Neck < lat X-ray abdomen
2)	Abrasion	5x0.5 cm	(L) side of Neck	simple	-	24 hrs	
3)	Abrasion	4x0.5 cm	(L) side of lower Abdomen	simple	-	24 hrs	
4)	CUH	8x1x0.5 cm	(R) parietal region	simple	sharp	24 hrs	
5)	CUH	2x1x0.5 cm	Nasal Bridge	simple	sharp	24 hrs	

Opinion of Specialist: Emergency Surgery & ENT reference.

(1) Marks of Identification : for 15/02/25
(2) JCH date/time 15/02/25, 11:00 AM Name of HOD/AP/Lect./RMO/CMO/Dr. Koti Jagtap
(3) Place JCH date/time 15/02/25, 11:00 AM Name of HOD/AP/Lect./RMO/CMO/Dr. Koti Jagtap
(4) Date of admission in ward 15/02/25 transferred to ward 15/02/25 date of discharge: Reg. No. 2023/08/5524

HOD/AP/Lect./RMO/CMO

Sir J. J. Group of Govt. Hospitals, Mumbai-8.

3) As stated in column No.6 by the Medical Officer, the injuries at Serial Nos.4 and 5 were due to sharp weapon. The clause No.1 of opinion of Specialist mentions 'Emergency surgery and ENT reference'. In these admitted set of facts, the Investigating Officer Mr. Sunil Warangule has filed charge-sheet without recovery of the said weapon.

3.1) Present Petition was listed for hearing yesterday and upon a query by this Court, it was informed by the prosecution that, the said weapon was not recovered as the accused persons did not cooperate with the investigation. Upon a further query, it was informed that though Police custody was sought, the learned Magistrate granted magisterial custody and it was an impediment in recovery of the weapon. We were having our own doubts about the said submissions, therefore, we had requested the learned APP to place the entire material of investigation before the Commissioner of Police, Mumbai and seek instructions in that behalf.

4) Today, we have perused the entire record minutely. The accused herein were produced on first remand before the learned Judicial Magistrate First Class, 70th Court, Mazgaon, Mumbai, on 14th January 2025 i.e. immediately after their arrest. The Remand Order dated 14th January 2025 reads as under :

“ Today accused are produced before me at 01.30 p.m. They have no complaint of ill-treatment at the hands of police. Perused case diary. Remand officer has claimed MCR of the accused. However, the offence registered against the

accused is punishable under sec.118(1), 115(2), 352, 3(5) of Bharatiya Nyaya Sanhita, 2023. Hence, accused be taken into M.C.R. till 27.01.2025.”

(underlined emphasis supplied)

5) Though in the remand report, the Investigating Officer had sought custody of accused for recovery of the said weapon, before the learned Magistrate, he gave his concession for remanding the accused persons to magisterial custody and it is the sole reason that the weapon(s) used in the present case were not recovered by the Investigating Officer. The conduct of Investigating Officer speaks volumes. *Prima facie* it appears to us that, with a view to help the accused persons in a present crime, the Investigating Officer chose to make a farce of submitting its remand report in writing for seeking custody of the accused. However, at the time of hearing, he gave his concession, not seeking custody of the accused. According to us, it is only to assist the accused persons in escaping from the clutches of law.

6) At this stage, Mr. Venegaonkar, learned Public Prosecutor, on instructions from the Commissioner of Police submitted that, Investigating Officer Mr.Sunil Warangule has been with immediate effect transferred to control room. All pending cases with the said Investigating Officer have been withdrawn and are transferred to other Investigating Officer. That, the Additional Commissioner of Police of the concerned region will issue necessary show cause notices as may be permissible under the law to

Mr.Sunil Warangule and the enquiry will be taken to its logical end.

Statement is accepted.

7) At the request of learned Public Prosecutor, stand over to 18th
August 2025.

(RAJESH S. PATIL, J.)

(A.S. GADKARI, J.)