

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 244 OF 2024

Padminibai w/o Tanaji Mali
Age : 47 yrs, occ : household
R/o Wadgi, Taluka AUSA,
District Latur

Petitioner

Versus

1. The State of Maharashtra
2. The Superintendent of Police,
Latur.
3. The Officer in Charge/
Investigation Officer of Bhada
Police Station

Respondents

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Mr. B.R. Kedar, Advocate for the petitioner.
Mr. S.R. Wakale, A.P.P. for respondent Nos. 1 to 3 .

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**CORAM : SANDIPKUMAR C. MORE AND
Y.G. KHOBRAGADE, JJ.**

**Reserved On : 22.12.2025
Pronounced on : 03.02.2026**

Oral Order (Per Sandipkumar C. More, J.) :

1. Rule. Rule made returnable forthwith. Heard finally with consent of the learned counsel for the petitioner as well as learned A.P.P.

2. By way of this writ petition, the petitioner, who is mother of deceased Ranjit, is seeking transfer/handing over of investigation of Crime No. 299/2023 registered with Bhada

Police station, Taluka Ausa, District Latur for the offence punishable under Section 302 of the Indian Penal Code, to the State C.I.D. as an independent investigating agency since Bhada police, by joining hands with the culprits, are not properly investigating the said crime.

3. Learned counsel Mr. Kedar for the petitioner pointed out that though the petitioner had given so many applications to the investigating agency by mentioning that just prior to the incident and on 28.12.2023 one Anjana Baban Mule had been to her house and threatened her that they would kill Ranjit by cutting him to the pieces and would not allow him to see the day of next year i.e. 2024 as Ranjit had illicit relations with her daughter-in-law Gokarna/Ashwini. Learned counsel further submitted that in all 16 injuries with sharp weapon were found on the person of deceased Ranjit, and therefore, it was not an act of any single person, but so many persons must have involved in the same. Learned counsel Mr. Kedar further submitted that the petitioner and her family members had gathered vital information from one Akbar Shaikh as to how so many persons after killing Ranjit, washed their bloody hands and disposed the murder weapons by throwing it into the well. He further alleged that Bhada police station authorities, with

intention to help the accused, have shown involvement of only one child in conflict with law in committing murder of Ranjit and screened the real offenders. He expressed doubt that causing 16 injuries with sharp weapon, cannot be an act of a single person by any stretch of imagination. In addition to his submissions, learned counsel for the petitioner relied on the judgment of Hon'ble Apex Court in the case of **Pooja Pal vs Union of India and others** reported in **(2016) 3 SCC 135**, wherein it is held that proactive role of constitutional courts is needed if the investigating machinery is not investigating the case properly.

4. On the contrary, learned A.P.P. strongly opposed the petition on the ground that Bhada Police Station Authorities and concerned Investigating Officer have properly carried out the investigation by giving consideration to every minute fact. He pointed out that the Investigating Officer, during the course of investigation, recorded statements of so many witnesses wherein it was revealed that the child in conflict with law Shivshankar Shivaji Mule committed murder of Ranjit as the deceased Ranjit was having illicit relations with his mother Ashwini Shivaji Mule. There are certain statements showing that how the child in conflict with law had approached them with with dagger (कोयता) and thereafter

disclosed them as to how he killed Ranjit on account of illicit relations of deceased with his mother. Learned A.P.P. also placed on record investigation papers wherein involvement of only the said child in conflict with law has been ascertained on detailed investigation.

5. It is significant to note that the petitioner is seeking transfer of investigation mainly on the ground that there were 16 incised wounds found in the upper part of the body of deceased and according to her, those could not have been inflicted only by the child in conflict with law having age of 17 years. Admittedly, the petitioner had given so many applications to the Superintendent of Police as well as investigating machinery for inclusion of the names of other persons as accused namely Baban Kondiba Mule, Vinod Ram Patil, Balu Uttam Jadhav, Shankar Shivaji Mule, Anjana Baban Mule, Hanumant Baban Mule. However, on going through the police papers, it is clearly evident that the concerned Investigating Officer had considered the complaints lodged by petitioner against the aforesaid persons and also investigated about the involvement of these persons, but nothing was found against them showing that they were involved in the offence. Further, there are statements of witnesses who have stated that the child in conflict with law

had in fact gone to them for sharpening the dagger and even after committing the murder of Ranjit, he approached Akbar Shaikh who had seen him with blood stained dagger. There is extra judicial confession by this child in conflict with law to the said Akbar Shaikh about commission of crime. Further, it appears that there was motive for this child in conflict with law to commit the murder of Ranjit as the deceased Ranjit was having illicit relations with his mother.

6. It is settled that suspicion, howsoever strong, cannot replace the truth, and therefore, it cannot be said that merely on the basis of suspicion raised by the petitioner, the other persons, as alleged, against whom the investigation was also carried out, cannot be arrayed as an accused. Considering all these facts, we do not find any fault on the part of investigating machinery who is carrying out the investigation in proper manner. Therefore, the writ petition being devoid of merit, stands dismissed. Rule stands discharged accordingly.

(Y.G. KHOBRAGADE)
JUDGE

(SANDIPKUMAR C. MORE)
JUDGE