



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION (STAMP) NO.11090 OF 2024

Rita Devi

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

...
Mr. Nishant Rana Rajani with *Mr. Rajwant Kaur, Mr. Shreyash Chaturvedi,
Mr. Sandeep Katke, Mr. Ray for the Petitioner.*

Smt. P.P. Shinde, *APP for Respondent No.1-State.*

**CORAM : SANDEEP V. MARNE &
DR. NEELA GOKHALE, JJ.
(VACATION COURT)**

DATED : 15 MAY 2024.

PC:

1. Heard the learned counsel appearing for the Petitioner. He submits that despite custodial death having been occurred, the police have not registered an FIR. He would particularly highlight the following points:-

- a. Denial of CCTV footage of the Police Station to the Petitioner
- b. Non provision of the result of the Post Mortem.
- c. Denial of information about the death apart from mere information.

MEGHA
SHREEDHAR
PARAB

Digitally signed by
MEGHA SHREEDHAR
PARAB
Date: 2024.05.15
19:24:35 +0530

Megha

1/3

- d. Failure to ascertain, whether the rope/cloth by which the alleged suicide occurred, has been sent for Forensic Analysis or not.
- e. Commission of other procedural lapses including non production before Talaja jail authorities and unauthorized time in Police Custody despite order for Judicial Custody in respect of other Co-Accused in the case.
- f. Flagrant violations of the Bombay Police Manual including Section 67 of the Bombay Police Act, 1951 which required that prisoners be kept in good health and relative comfort and not suffer undue hardship, and of Chapter VI and Chapter IX of the Bombay Police Manual.

2. The learned counsel appearing for the Petitioner would insist that the FIR be forthwith registered and the entire investigations be transferred to the Central Bureau of Investigations. He would place reliance on judgment of the Division Bench of this Court in *Leonard Xavier Valdaris and Ors. vs. State of Maharashtra and Ors.* in Criminal Writ Petition No.2110 of 2014 decided on June 17 2024.

3. The learned PP would submit that investigations have already been transferred to State-CID. She would further submit that additionally Magisterial Enquiry has also been instituted. However, she is not aware about the current status of such enquiry.

4. On being queried as to whether FIR has been registered, the learned PP would submit that as per the procedure, an Accidental Death Report (ADR) has been registered and the matter is being investigated on the basis of the said ADR.

5. Learned PP to file status report on the next date of hearing. List the Petition for further consideration on **22 May 2024**. In the meantime, CCTV footages and CDR of the concerned police stations and police officers shall be preserved.

[DR. NEELA GOKHALE, J.]

[SANDEEP V. MARNE, J.]