



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

CRIMINAL BAIL APPLICATION NO. 3392 OF 2022

Jaywant @ Bhau Mukund Bhoir ... Applicant
Versus
State of Maharashtra ... Respondent

.....
Mr. Nilesh Navale, for the Applicant.

Mr. Ashish Satpute, APP, for the Respondent-State.

Mr. Salman J. Khatib, PSI, Murbad Police Station, present.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 22nd MARCH, 2024.

P.C.

In view of an order passed by this Court on 8th August, 2023, the District Civil Surgeon, District General Hospital, Thane , has submitted a report to the Senior Police Inspector, Murbad Police Station, dated 28th November, 2023.

2 A committee was constituted by Civil Surgeon, Thane in order to give an opinion as regard the exact cause of death of the deceased.

3 The meeting of the committee was held on 14th September, 2023, which comprised the Medical Officer, who had conducted a

postmortem viz. Dr. Phad and the Investigating Officer of this case. The committee has examined all the relevant documents and papers including spot panchanama and inquest.

4 Dr. Phad had conducted the postmortem on 12th July, 2020, at Rural Hospital, Murbad. Viscera was preserved for forwarding the same to the Forensic Science Laboratory, Thane. It appears that Dr. Phad had given his opinion on the letterhead of his private hospital though the postmortem was conducted at the Government Hospital. There is no report submitted by Dr. Phad from the official record which is kept at the Government Hospital.

5 From this report, it reveals that there was bleeding from the ears of the deceased. Rigor mortis (column No. 11) reveals that it was slightly present. Column No. 12 indicates decomposition slightly present, small maggots seen all over body which is self contradictory. Dr. Phad did not fill up the Form properly through which the viscera was forwarded to the Forensic Science Laboratory. He did not forward samples of brain of the deceased. There are contradiction in the findings given in the postmortem report.

6 The injuries mentioned in Column No. 17 of the postmortem report vis-a-vis the inquest panchanama do not match as the same have not been properly recorded. The final cause of death as per MCCD is not proper.

7 Forensic Science Laboratory viscera report indicates that the postmortem was done on 16th July, 2020 which is an incorrect date as postmortem was conducted on 12th July, 2020.

8 The Secretary, Health, Government of Maharashtra as well as Commissioner of Police Thane are directed to take cognizance of the said report as well as the order passed by this Court and initiate an appropriate legal action against Dr. Phad and the concerned for such a gross negligence and illegality in conducting a postmortem of the deceased-Mohan Bhoir.

9 Let there be a preliminary report from the Secretary, Health, placed before this Court within four weeks.

10 The Investigating Officer shall remain present on the next date.

11 List on 23rd April, 2024.

[PRITHVIRAJ K. CHAVAN, J.]