

**IN THE COURT OF SESSIONS JUDGE, WASHIM.**

**Order Below Exh. 24**  
**(Dated 04/07/2025)**

- 1) The present application preferred by the informant for further investigation and filing of supplementary charge-sheet on the ground that the Investigating Officer (IO) not investigated the crime in proper way though two offenders reflected, he had made only one offender as the accused, not inquired with the friends of accused, not investigated the manner of reaching accused Sanghpal on the spot, how he talked from the phone of deceased, not recorded statement of friends of deceased, no CDR and SDR of accused collected, the accused and his friends pushed the victim in the well after rape and statement of her sister-in-law and other witnesses not recorded and the offence of murder is to be registered against the accused, the IO not investigated properly or not arrested the friends of accused due to which further investigation is called for.
- 2) The IO filed say vide Exh. 25 whereby it is stated by PI of Washim (city) police station that the investigation is carried out by API Rathe is proper as the report was lodged by the informant that the deceased committed suicide by jumping into the well due to depression and feeding up due to harassment at the hands of accused.
- 3) The accused strongly objected the application by filing say on the back page of the application on the ground that investigation properly carried out, no new facts reflected from the application, no new material shown by the applicant for further investigation.

4) Meanwhile the IO filed application through APP vide Exh. 32 for permission to produce SDR and CDR of mobile of accused and the victim which was allowed by this Court on 22/05/2025. The said order is intact and is in force as on today, as no party to the proceedings challenged the said order.

5) Heard Adv. Mr. Dighode for the applicant/informant, APP Mr. A. R. Vyawahare for the State and Adv. Mr. M. S. Gawai for the accused at length.

6) On perusal of application, copy of charge-sheet and after considering oral submissions of both sides advocates, following points arise for the determination of the Court, on which the Court answered thereon with the reasons as follows.

Sr. No.	Points	Findings
1)	Whether applicant/accused proves the case for further investigation of the crime under Section 173(8) of Cr. P. C. on the count that he had made only one offender as the accused, not inquired with the friends of accused, not investigated the manner of reaching accused Sanghpal on the spot, how he talked from the phone of deceased, not recorded statement of friends of deceased, no CDR and SDR of accused collected, ?	<b>In the negative</b>
2)	What order ?	<b>As per final order.</b>

### **REASONS**

#### **As to Point No. 1 -**

7) The applicant came with the case that investigation in the present crime is not properly done by the IO as the IO not inquired with

the another suspected accused, not investigated the manner of reaching of accused Sanghpal on the spot, not inquired the cause to the accused to conversate through the mobile of deceased, not recorded statements of friends of deceased, not produced CDR and SDR and Section 302 of IPC i.e. offence of murder is required to be added. Similarly, the statement of sister-in-law of informant and other witnesses to be recorded for which further investigation is required as per the applicant.

8) On perusal of charge-sheet, it is observed that FIR lodged by the mother of deceased wherein she made allegations that the victim committed suicide by jumping into the well due to harassment at the hands of accused. It is observed that though it is case of the applicant that no investigation was carried out properly, the applicant not knocked door of higher authority of police i.e. Superintendent of Police and put her grievance. It is also observed that it is the case of the applicant that accused pushed the victim into the well and thereby committed murder but there is no witnesses to support the case of murder of deceased at the hands of accused, then mere suspicion cannot lead further investigation.

9) It is observed that the applicant expected recording of statement of sister-in-law and other witnesses by the IO, but it is not the case of applicant that sister-in-law of informant visited police station and requested for recording her statement in connection with the present crime and name of witness of whom statements are to be recorded are not mentioned by the applicant, then it become difficult to find out persons who may to be witnesses in the present case.

10) The applicant came with the case that there was two persons and IO did not carry out investigation against those persons. On perusal of FIR, it is observed that description or features of another assaulter or offender not reflected from FIR or even in present application, then again it becomes difficult to search the said suspected person or assaulters.

11) The applicant also came with the case that she visited police station for number of times through her relatives but police officers used to say her that investigation is going on and therefore, she was unable to get information and could not knock door of higher authority. No doubt, the informant is illiterate, but at the same time instead of directions of further investigation for the offence which took place on 31/12/2022 then practically even if directions for further investigation given, it may not fruitful due to laps of time, as circumstantial evidence may not available.

12) Apart from that, the applicant has other option that she can requested APP for addition of accused persons, if the prosecution evidence reflected so. Similarly, though the statement of sister-in-law of the informant and other witnesses not recorded by the IO, but the prosecution can record their evidence directly by filing application to the Court, then said ground cannot helpful to the applicant for further investigation.

13) Though, it is case of the applicant that another person who participated in the said act, but it can be proved during course of evidence if the evidence disclosed the features of said alleged assaulter

that he can be accused person in the present crime, as same is permissible.

14) The prosecution produced CDR and SDR of accused and victim on the record subsequently after filing charge-sheet and which suggest that there are some lacunas in the investigation. The said lacunas can be filled up or rectify by adopting suitable procedure provided under Law instead of insisting for further investigation.

15) It is also observed that the accused came with the case that speedy and timely justice is an important facet of rule of law, denial of speedy and timely justice can be disastrous to rule of law in the long term and relied on the ratio held in the case of ***K. Vadivet ..vs.. K. Shanthi and ors., SLP Criminal No. 4360 of 2022 (Supreme Court of India)*** wherein it was held by the Hon'ble Apex Court that -

*43. Soon thereafter in January, 2020, virtually the same grounds which had been rejected earlier were rehashed in the form of an application under [Section 173\(8\) Cr.PC.](#) on behalf of the respondent no. 1. The State, which had hitherto opposed all the applications up to the High Court, turned turtle and stoutly supported the respondent no. 1 in this Court without offering any tenable justification as to how the earlier investigation which had arrayed eight accused for trial lacked credibility.*

The said ratio is though applied to the present case still not helpful to the accused as the trial was going on with reasonable speed.

16) The applicant already filed application in the Court of Ld. CJM, Washim but not insisted hearing and not obtained conclusive order till committal of the case before this Court and again filed the present application.

17) The prosecution produced copy of CDR and SDR of accused and victim on the record and the informant has alternative option provided under Code of Criminal Procedure which may satisfy the needs of circumstance of the case and the period of three years already laps away, then the applicant failed to prove the case for further investigation. **Hence, the Court answered point No. 1 in the negative.**

**As to Point No. 2**

18) As the Court concluded that the applicant failed to prove the case for further investigation as there is other option under Law available to the applicant, then the application deserves for rejection, in the interest of justice and to achieve object of speedy and timely trial. Hence, the order -

**ORDER**

- 1) The application of informant at Exh. 24 for further investigation under Section 173(8) of Cr. P. C. is hereby rejected.
- 2) Accordingly, the application stands disposed of.

Washim.  
Date: 04/07/2025.

**(S. V. Hande)**  
Sessions Judge, Washim.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer :- A. W. Ajmire, Stenographer (Grade-II)

Name of Court :- Principal District & Sessions Judge,  
Washim, Tq. Dist. Washim.

Date of Judgment/ Order :- 04/07/2025

Judgment/Order signed by :- 05/07/2025  
the Presiding Officer on

Judgment/Order uploaded on :- 08/07/2025