

ITEM NO.203

COURT NO.8

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G SWrit Petition(s) (Criminal) No(s). 89/2014

BALARAM GOVIND GAIKWAD

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.
(with appln. (s) for stay and office report)

Respondent(s)

Date : 07/08/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE N.V. RAMANAFor Petitioner(s) Mr. Anand Mishra, Adv.
Mr. Amrendra Kumar Singh, Adv.
Dr. (Mrs.) Vipin Gupta, Adv.
Dr. Charuwali Khanna, Adv.

For Respondent(s) Mr. Nishant R. Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

This petition under Article 32 has been filed by the father of deceased viz. Devidas B. Gaikwad who died in an incident of 1st June, 2009, in respect of which an F.I.R. has been registered.

According to the petitioner, the investigation pursuant to the registration of the F.I.R. has not been proper and follow up steps including trial of the accused-persons have not been initiated. Hence, the writ petition seeking appropriate directions.

Pursuant to our order dated 31.07.2015 requiring the State to apprise the Court about the present position of the trial and the particulars of the accused-persons who are required to face the trial the State has filed its response on 4th August, 2015. The said response indicate that Sessions Case bearing SSC No. 196/2009 is presently pending before the Sessions Court at Kalyan wherein charges under Sections 302, 307, 326, 324, 323, 147, 148, 149, 150 & 120B of the I.P.C. with 37(1) 135 Arms Act have been framed on 23.07.2012 against 16 accused-persons. The names and particulars of the 16 accused who are facing the trial have been stated in the aforesaid affidavit dated 4th August, 2015. The State, has, further stated that examination of witnesses has not commenced though the reasons therefor have not been indicated.

Insofar as the grievance of the petitioner to the effect that investigation has not been done properly and some of the persons involved in the crime have not been named as accused and further that evidence of eye witnesses have not been recorded in the course of investigation is concerned, without expressing any opinion on the merits of the said contentions, we leave it open for the petitioner to make a representation, if any, within a period of one week from today before the

concerned investigating officer and further investigation, if required, to be completed within three weeks thereafter. Thereafter, the trial will commence and will be concluded as expeditiously as possible. In the facts and circumstances noted no other or further order is to be called for.

The writ petition is disposed of in the above terms.

(MADHU BALA)
COURT MASTER

(ASHA SONI)
COURT MASTER