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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL-CJ-LD-VC- NO. 31 OF 2020

Firdause Irani

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr. Firdause Irani, Advocate/Petitioner-in-Person a/w Mr. Bahraiz Irani & Mr. Behzad Irani.

Ms. P. H. Kantharia, Govt. Pleader with Ms. Jyoti Chavan, AGP for State.

CORAM: DIPANKAR DATTA, CJ. &
SMT. ANUJA PRABHUDESSAI, J.

JULY 23, 2020.

P.C.

1. A status report has been filed by the Assistant Commissioner of Police, Bandra Division, dated July 23, 2020 in deference to our earlier order dated July 17, 2020. One significant development appearing therefrom, post our last order, is that four policemen have been identified, who allegedly assaulted the

deceased while on night duty on March 29, 2020, and it is proposed to conduct departmental proceedings against them.

2. We have also been informed by Ms. Kantharia, learned Government Pleader appearing for the respondent-State that she has personally viewed the CCTV footage in terms of our earlier order and did not find any member of the public being part of any mob assaulting the deceased; on the contrary, the four policemen, referred to above, are seen to have used fiber lathis in a bid to discipline the deceased. She has, however, pointed out that whether the deceased succumbed to the injuries inflicted by reason of such assault by fiber lathis is a matter which needs further investigation.

3. It is indeed distressing to note that from April 18, 2020 till July 10, 2020, no investigation was embarked upon by the Assistant Commissioner of Police. We, however, find towards the concluding portion of the status report an assurance on his part that he will conduct the investigation fairly and complete the same as expeditiously as possible. We, thus, direct the Assistant Commissioner of Police to proceed with the investigation, in the manner as directed in our previous order, and to file a further status report before us on the progress made towards conclusion of investigation and filing of police report under Section 173(2) of

the Code of Criminal Procedure (hereafter “Cr.P.C.”). Also, the decision taken on the proposal to draw up departmental proceedings may also be disclosed.

4. Since it is evident from the status report that the mother and the brother of the deceased, who are vital witnesses, have not cooperated with the investigation and practically stayed-away from having their statements under Section 164, Cr. P. C. recorded, we direct the Assistant Commissioner of Police to issue further notice under Section 160 thereof so that they cooperate in further progress of investigation by having their statements recorded.

5. We propose to pass further orders after looking into the further status report that the State shall file before us on August 05, 2020.

6. List the PIL Petition on August 06, 2020.

7. This order will be digitally signed by the Sr. Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

SMT. ANUJA PRABHUDESSAI, J.

CHIEF JUSTICE