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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3089 OF 2019

Ravindra Jaiswar and anr. : Petitioners.
Versus
State of Maharashtra and ors. : Respondents.

Mr. Siddharth Chandrashekhar a/w Nukshinrao i/by Ms. Li Shu Fen for the Petitioners.
Mr. J P Yagnik, APP for the Respondent/State.
Mr. Yogesh Chavan – Investigating Officer attached to DCB CID, AE Cell, Mumbai present.

CORAM : S. S. SHINDE,
MANISH PITALE, JJ
DATE : 03rd APRIL 2021

PC. (In Chamber at 11.00 am)

1 Pursuant to the earlier order dated 31/03/2021, today we have seen the CCTV footage of the relevant date i.e. 13/07/2018 concerning Dharavi Police Station. The CCTV footage is seen in the presence of the Petitioner No.1, his wife as also the learned counsel representing the Petitioners, as well as learned APP appearing for the Respondent/State and the concerned Investigating Officer, who is present in Chamber.

2 It is submitted by the learned counsel appearing for the Petitioners on instructions of Petitioner No.1, who is present in Chamber today that the Petitioners are insisting on 2nd post-mortem of the body of the deceased, and if the same is permitted they would then take the custody of the body of the deceased for conducting last rites.

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3 The learned APP appearing for the Respondent/State submits that the said request of the Petitioners may be granted.

4 Accordingly the Dean of J.J. Hospital, Mumbai is directed to constitute a team for conducting the 2nd post-mortem of the body of the deceased. The Dean of JJ Hospital shall ensure that the 2nd post-mortem is conducted by a team of doctors, none of whom were the members of earlier team which has conducted the 1st post-mortem. The 2nd post-mortem be conducted forthwith and in any case on or before 6th April 2021. The report of the 2nd post-mortem be submitted before this Court under the signature of the Dean of J. J. Hospital, Mumbai as soon as the 2nd post-mortem is conducted.

5 After the 2nd post-mortem is conducted, the body of the deceased be handed over to Petitioner No.1 forthwith for conducting last rites. The Petitioner No.1 is present in Chamber and assures through his counsel that he shall take the custody of the body of the deceased after the 2nd post-mortem is conducted from the J. J. Hospital, Mumbai.

6 The learned APP, on instructions of Investigating Officer – PI Mr. Yogesh Chavan, who is present in Chamber, submits that after the 2nd post-mortem is conducted the body of the deceased will be handed over to the

Petitioner No.1 and facility of Ambulance will be provided free of cost for taking the body of the deceased for conducting last rites.

7 List the Petition on 09/04/2021.

8 All concerned parties and persons shall act upon an ordinary copy of this order duly authenticated by the Court Sheristedar.

[MANISH PITALE, J]

[S. S. SHINDE , J]