



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

CRIMINAL WRIT PETITION (STAMP) NO. 11090 OF 2024

Rita Devi ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Nishant Rana a/w Ms. Rajani, Ms. Manveen Dhanjal,
Ms. Rajwant Kaur and Mr. Sandeep Katke for the Petitioner

Mrs. P. P. Shinde, A.P.P for the Respondent Nos.1 to 3, 5 and 6-
State

Mr. Aabad Ponda, Sr. Advocate a/w Ms. Chandrima Mitra,
Mr. Parag Kandhar i/b DSK Legal for the Respondent No. 4

Dy. SP Mr. Prakash More from CID, Navi Mumbai, is present

***CORAM : REVATI MOHITE DERE &
SHYAM C. CHANDAK, JJ.
MONDAY, 10th JUNE 2024***

P.C :

1 During the course of hearing, learned counsel for the petitioner sought leave to amend to delete respondent No.4 from the array of respondents. Leave granted. Amendment be carried out forthwith. Leave to amend is granted, keeping in mind that

there is not a single pleading against respondent No. 4 nor any relief is claimed against respondent No.4.

2 Learned A.P.P states that the learned Metropolitan Magistrate, 64th Esplanade Court, is conducting magisterial inquiry into the custodial death.

3 At this stage, learned counsel for the petitioner makes a grievance that the learned Magistrate had issued summons on 10th May 2024 for 23rd May 2024. He states that however the said summons was received by the petitioner only on 24th May 2024, as a result of which, the petitioner could not appear before the learned Magistrate.

4 In these circumstances, it is always open for the Magistrate to re-issue fresh summons to the petitioner and ensure that it is served prior in time, so as to enable the petitioner to appear before the Magistrate, during the course of inquiry.

5 Learned A.P.P has tendered a report dated 10th June 2024 in a sealed envelope. We have opened the said envelope. Perused it and re-sealed the envelope. In the event, the Magistrate has concluded the inquiry, the same to be placed before us, on the next date.

6 Stand over to **22nd July 2024.**

SHYAM C. CHANDAK, J.

REVATI MOHITE DERE, J.