



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.1091 OF 2025

- 1) Amol Samadhan Nikam,
Age-26 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon,
- 2) Ramsingh Mana Nikam,
Age-80 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon,
- 3) Ushabai Samadhan Nikam,
Age-45 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon,
- 4) Aanand Samadhan Nikam,
Age-24 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon,
- 5) Samadhan Ramsing Nikam,
Age-50 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Investigating Officer,
Erandol Police Station, Erandol,
District-Jalgaon,
- 2) Durga Vitthal Shinde,
Age-30 years, Occu:Agricultural,
R/o-Bhavani Nagar, Erandol,
Tq-Erandol, District-Jalgaon.

...RESPONDENTS

...
Mr. H.P. Randhir Advocate for Applicants.
Mr. N.R. Dayama, A.P.P. for Respondent No.1.
...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 29th APRIL, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Application has been filed for quashment of the proceedings in Sessions Case No.94 of 2024 pending before the learned Sessions Judge, Jalgaon arising out of the First Information Report (for short "the FIR") vide Crime No. 43 of 2024 registered with Erandol Police Station, Erandol, District- Jalgaon, on 24th February 2024, for the offence punishable under Sections- 306, 352, 294, 504, 506 read with Section 34 of the Indian Penal Code.

2. Heard learned Advocate for the applicants and the learned APP for respondent No.1 after waiving service for respondent No.1.

3. After disinclination is shown to grant any relief to the applicants, learned Advocate for the applicants seeks withdrawal

of the Application. There is no hurdle in allowing the withdrawal of the Application.

4. However, after going through the entire charge-sheet, we have noticed that even in serious offence, the investigating officer who had recorded the statements of the witnesses under Section 161 of the Code of Criminal Procedure, has literally made copy-paste of the statements. Even the paragraphs start with the same words and end with the same words. The culture of copy-paste statements is dangerous and may, in certain cases unnecessarily, give advantage to the accused persons. In such circumstances, the seriousness of the genuine case may get vanished. Two witnesses cannot give statement in identical fashion. The only change is as per the relationship of the witness either with the deceased or the informant. We have noticed this in many cases, including the cases under Section 498-A of the Indian Penal Code. We may also wonder, as to whether really those witnesses are called by the police for statement under Section 161 of the Code of Criminal Procedure or not, but their statements would appear in the charge-sheet.

5. In one more matter we had made observations in respect

of the copy-paste statements. But, when now we are coming across with such copy-paste statements in serious offence like Section 306 of the Indian Penal Code, it is then high time to take cognizance of the issue *suo moto* and to consider, as to what are those short comings or difficulties for the investigating officer/officers when they record such copy-paste statements. In fact, in the present case initially the accidental death was reported under Section 174 of the Code of Criminal Procedure. At that time, the age of the deceased was given as 17 years and 9 months. It is then continued in other documents i.e. spot panchnama, postmortem report. Unfortunately, when the FIR was taken, the concerned police officer who was recording it, had not taken note of the age of the deceased and therefore, it appears that he registered the offence under Section 306 of the Indian Penal Code. Later on, it appears that the birth certificate of the deceased was fetched and then offence under Section 305 of the Indian Penal Code has been added. That means, as on today the charge against the accused persons is that they have abetted the commission of suicide by minor, which is of course a very serious matter, and with the story in the FIR it is much more serious and therefore, we were not inclined to grant any relief to the applicants. Therefore, when even in such serious

matters if this copy-paste method is adopted, then it is not a good indication for the criminal justice system and therefore, we are taking cognizance and want the State to come out with specific guidelines to the investigating officers and also in respect of, how to record the statements.

5. We appoint learned Advocate Mr. Mukul Kulkarni as Amicus Curiae. He may collect data and suggest measures to be taken by the State Government to avoid such situations of copy-paste and to overall improve the quality of investigation. He may prepare a complete Petition and file it on or before 20th June 2025.

6. Place the matter for further consideration on 27th June 2025.

7. As aforesaid Criminal Application No. 1091 of 2025 stands dismissed as withdrawn as against all the applicants.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE