

**IN THE HIGH COURT AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 5 OF 2015

Avinash S/o Pundlikaro Jadhav,  
Age 26 years, Occ. Service,  
R/o. Gandhi Nagar, Near Sunday Bazar,  
Aurangabad, Tq. & Dist. Aurangabad.

**....Petitioner.**

**Versus**

- 1) The State of Maharashtra,  
Through P.I. Police Station,  
Kranti Chowk, Aurangabad,  
Tq. & Dist. Aurangabad.
- 2) The Secretary of Home Minister,  
State of Maharashtra,
- 3) Prakash Kulkarni,  
Age Major, Occu. Service,  
Police Inspector of Kranti Chowk Police Station,  
At present C/o. office of Anti Corruption Bureau,  
Aurangabad.
- 4) Balaji Sontakke,  
Age Major, Occu. Service,  
P.I. of Kranti Chowk Police Station,  
At present Police Inspector of Gandhi Chowk,  
Police Station, Latur, Tq. & dist. Latur.
- 5) Shaikh Gani,  
Age Major, Occupation Service,  
R/o. C/o. Control Room office,  
of Commissioner of Police, Aurangabad,  
Tq. & Dist. Aurangabd.

**....Respondents.**

Mr. Angad L. Kanade, Advocate for petitioner.

Mr. B.L. Dhas, APP. for respondent No.1 & 2.

**CORAM : T.V. NALAWADE &  
SMT. I.K. JAIN, JJ.**

**DATED : 27th March, 2015.**

**JUDGMENT:**

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal. Seen the papers of investigation.

2. The applicant is working in police department. His brother Vikram Pundlikrao Jadhav was missing since 17.3.2011 and so, applicant gave missing report to Kranti Chowk Police Station Aurangabad. He then informed to the police station that some persons like Rajesh Gurukhude, Sonu Subhash Lahote were used to remain in the company of Vikram and Sonu had an affair with one girl. He informed that Sonu had suspicion that Vikram was talking with the said girl on phone and then he had given threat of life to Vikram on phone. When present applicant made inquiry with girl, she also told that Sonu had made preparation for killing Vikram and he had kept a sword with him. Information was given like one more person like Suraj Redlon was the friend of brother of complainant. Applicant expressed suspicion against these three youngsters and he gave the mobile numbers for verification of his contention that they used to remain in contact with each other. He expressed suspicion

against these persons including the girl. It is his case that no interest is shown to trace his brother Vikram by the police station and since March 2011, no progress is made by police in the matter.

3. The papers show that some statements are recorded and they include statement of Sonu, Rajesh Gurukhude, Gautam etc. From these statements, they could not get clue and on the other hand, the persons like Sonu informed that Vikram was informing that he had grievance against the present applicant and Vikram was under pressure of present applicant.

4. In the reply affidavit, the Investigating Officer has contended that present applicant did not cooperate during investigation. It appears that his statement was recorded. It is surprising that even after four years, no progress is made in the investigation. In view of these circumstances, this Court holds that it is desirable to hand over the investigation to other agency. He has grievance in respect of working of Kranti Chowk Police Station. Investigation can be given to Local Crime Branch which is directly working under superior officer like Police Commissioner and so, there will be no room for grievance to the applicant. It will be up to the Commissioner to decide as to which

officer needs to do the investigation of the matter. There is no need to make any adverse observation against the present investigating agency and only in view of the aforesaid circumstances viz. Vikram is not traced for about four years, this Court holds that investigation needs to be handed over to other agency.

5. In the result, the petition is allowed. The Commissioner of Police of Aurangabad Commissionerate is to hand over the investigation to any officer from Local Crime Branch.

6. In those terms the petition is disposed of and the rule is made absolute.

**[ SMT. I.K. JAIN, J. ]**

**[ T.V. NALAWADE, J. ]**

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