

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 326 OF 2014**

VIJAYKUMAR NIVRUTTI KANDGIRE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Sontakke Sandeep B.
APP for Respondent/State : Mr. S.G. Nandedkar
Advocate for Respondent nos. 2 to 5 : Mr. Katneshwar P.R.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.**Dated: January 30, 2015**

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PER COURT :-

Heard.

2. The petitioner has raised grievance that, there was no proper investigation. The Investigating Officer has not taken into consideration the medical evidence and all other material which is placed on record by way of accompaniments to the Writ Petition. The learned counsel appearing for the petitioner submits that, if the material placed on record is perused, certainly there is case of murder, and therefore, further investigation is necessary.

3. We have heard the learned counsel appearing for the petitioner. Perused the material placed on record. While exercising writ jurisdiction of this Court, it is not

appropriate to consider the evidentiary value of the material placed on record, and draw an inference, and further direct the Investigating Officer to cause the further investigation. In our opinion, ends of justice would be met if the petitioner is given liberty to apply before the Appropriate Court for redressal of his grievance taking recourse to sub-section 8 of Section 173 of the Code of Criminal Procedure.

4. In case such application is filed by the petitioner, the concerned Court to consider it on merits and take appropriate decision.

5. The Petition stands disposed of accordingly.

(**A.M. BADAR, J.**)

(**S.S. SHINDE, J.**)

sga/-

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