

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Criminal Writ Petition No. 785 of 2014

Dr. Dipali w/o. Bankim Dalal,
Age : 35 years,
Occupation : Medical Practitioner,
R/o. Utkarsha - A-1, Sieca Nagar,
V.P. Road, Mumbai.

.. Petitioner.

versus

1. The State of Maharashtra,
Through the Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The District Superintendent of Police,
Beed, District : Beed.
3. The Police Inspector,
City Police Station, Beed,
District : Beed.
4. Union of India,
Through Secretary,
Home Department,
Central Affairs,
New Delhi.
5. Dr. Satish Pandurang Ladda,
Age : 47 years,
Occupation : Medical Practitioner,
R/o. Govind Complex, Mali Ves,
Beed, Taluka & District : Beed.

.. Respondents.

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Mr. S.K. Naikwade, Advocate, for the petitioner.

*Mrs. S.G. Chincholkar, Additional Public Prosecutor,
for respondent nos.1 to 3.*

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 29TH JANUARY 2015

PER COURT :

1. Heard Adv. Mr. S.K. Naikwade appearing for the petitioner, and learned APP Mrs. S.G. Chincholkar for respondent nos.1 to 3.
2. The learned Counsel appearing for the petitioner has invited our attention to the pleadings and grounds taken in the petition, and submits that though serious offences are alleged, the Investigating Officer has submitted report under Section 169 of the Code of Criminal Procedure, 1973, before the Magistrate. Therefore, he submits that the investigation may be transferred from the concerned Investigating Officer to the State CID.
3. The fact, that the report under Section 169 of the Cr.P.C. is submitted before the Magistrate, it gives opportunity to the petitioner to contest the said report before the Magistrate. The learned Magistrate, in his discretion, may accept the report or direct further enquiry. In that view of the matter, when the remedy is available to the petitioner, we do not feel it necessary to invoke extraordinary jurisdiction of this court.

4. The petition stands disposed of, with liberty to the petitioner to contest the report under Section 169 of the Cr.P.C., submitted by the Investigating Officer, before the learned Magistrate.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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