

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

**CRIMINAL WRIT PETITION NO. 1296 OF 2015**

**PRAKASH S/O CHANDAR KADAM  
VERSUS  
THE STATE OF MAHARASHTRA AND ANOTHER**

.....  
Advocate for the Petitioner : Mr. A. B. Dhongade  
APP for Respondent/State : Mr. D. R. Kale  
.....

**CORAM : S. V. GANGAPURWALA AND  
V. K. JADHAV, JJ.**

**DATED : 4<sup>th</sup> DECEMBER, 2015**

**PER COURT :-**

1. Mr. Dhongade, learned counsel for the petitioner states that investigation of Crime No. 33 of 2015 be transferred from respondent No. 2 to the State C.I.D. or to Senior Police Inspector under the supervision of Superintendent of Police, Nanded. The learned counsel submits that in fact, investigation has not been carried properly by respondent No. 2. The husband is not made accused. The husband has also demanded dowry. The said fact is clearly stated by the present applicant in paragraph VI of the petition. Even this fact was mentioned before the authority but the same is not recorded in the statement.

2. We have heard the learned APP. The learned APP submits that whatever has been stated by the petitioner, has been recorded. Even the dying declaration does not implicate the husband. Charge sheet is filed after thorough investigation.

3. We have considered the submissions. Charge sheet is already filed. Statements of various persons are recorded including the petitioner. The petitioner also has nowhere given any statement thereby alleging something against the husband. None of the witnesses have alleged against the husband. Dying declaration also does not even remotely implicates the role of husband in whatsoever manner.

4. In light of above, writ petition is disposed of. No costs.

( V.K. JADHAV, J. )

( S V GANGAPURWALA, J. )

vre/-