

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 577 OF 2015**

Bharti Vijay Khairnar
v/s.

..Petitioner

The Senior Police Inspector,
Malegaon Taluka Police Station & Ors.

..Respondents

Mr. S.P.Kadam i/b. R.P.Hake for the Petitioner.
Mrs.M.M.Deshmukh, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : JUNE 26, 2015.**

P.C.

1. Heard Mr. Kadam for the petitioner.
2. The petitioner, wife of accused in C.R.No. I 146 of 2014 of Malegaon Taluka Police Station, Malegaon, has filed this petition seeking following reliefs:

(b) By an appropriate writ and/or order, direction of this Honourable Court the Respondents be directed to conduct NARCO analysis test and/or brain mopping test or any other scientific test on both the accused as well as the complainant in C.R.No.I 146 of 2014 registered with Malegaon Taluka Police Station.

(c) That by an appropriate writ and/or order, direction of this Honourable Court the Investigation in C.R.No. I 146 of 2014 registered with Malegaon Taluka Police Station may kindly be transferred to C.B.I. or any

other agency with the directions to carry out fresh investigation of the matter.”

3. By relief under prayer clause (b) the petitioner is seeking direction to conduct Narco Analysis Test or Brain Mopping Test on both the accused as well as the complainant. It is now settled position that Narcoanalysis and Polygraph Test is not admissible in law as the subject does not exercise conscious control over the responses during the administration of the test. We are therefore not inclined to grant this relief.

4. So far as the relief claimed in prayer clause (c) is concerned, we find that the investigation is completed and chargesheet is already filed before the concerned court. It is also settled principle that after filing of the chargesheet fresh investigation can be directed only in exceptional cases and not merely on the basis of some allegations. Having heard learned counsel for the respective parties, we don't find present case as exceptional one to warrant transfer of investigation to CBI. Petition is devoid of merits and the same is dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)