

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 400 OF 2015**

Mr. Shafir Ahamad Sahabali
Chawdhary and Anr.

Applicants

Vs

The State of Maharashtra and
Anr.

.. Respondents

Mr. Sudhir C. Halli, Advocate for Applicants.
Mrs.U.V.Kejriwal, A.P.P. for Respondent no.1-State.
P.S.I.Sandeep Mane, present.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 22nd SEPTEMBER, 2015.**

PC:

1. Heard Mr. Sudhir Halli, learned counsel for the applicants and Mrs U.V.Kejriwal, learned A.P.P for respondent no.1-State.

2. The Application is filed for the following reliefs:

“(a) That the Hon'ble court in the lights of fact and circumstances mentioned herein above be pleased to quash and set aside the F.I.R. registered with Wadala T.T.Police Station, Mumbai vide C..R.No.30 of 2015, under sections 326, 323, 504, 506 r/w 34 of Indian Penal Code, 1860.

(b) This Hon'ble Court may kindly be transfer the investigation of C.R. No.29 of 2015 registered with P.S.Wadala T.T. to any other police officer not below the rank of Police Inspector of same police station or any other police station.”

3. Mr. Halli, at the outset, states that, at this stage, he does not press the relief claimed in the prayer clause (b). His statement is accepted.

4. Learned A.P.P., Mrs Kejriwal, having taken instructions from

the concerned officer, Mr. Sandeep Mane, who is present in Court, makes a statement that in both the C.Rs., i.e. C.R.No.30 of 2015 and C.R.No.29 of 2015, investigation is complete and chargesheet is ready. In support of her statement, she produced for our perusal copy of chargesheet in the said C.Rs.

5. In the above circumstances, we are of the opinion that so far as the relief claimed in prayer clause (a) is concerned, the applicants have an alternative remedy to apply for discharge before trial court. We are, therefore, not inclined to entertain this prayer. Nonetheless, applicants are at liberty to apply to the concerned Magistrate for appropriate reliefs.

6. Subject to above, the Criminal Application stands dismissed.

7. It is expressly made clear that we have not gone into merits of the matter and points and contentions of the parties in this regard are expressly kept open.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.