

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 1852 OF 2015

Prakash Chimanlal Shah

.. Petitioner

v/s.

Mr. N.B. Kelaskar & Ors.

..Respondents

Mr. S.P. Kadam a/w Rahul Kadam i/b A.A. Deshmukh for the petitioner

Mrs. P. H. Kantharia, APP for respondent State

Mr. A.L. Satpute, Sr.PI, Kanjurmarg Police Station and Mr. R.T. Chalke, PI, Juhu Police station are present in Court.

CORAM: RANJIT MORE &

SMT. ANUJA PRABHUDESSAI, JJ.

DATED: 15th JULY, 2015.

P.C.

1. Heard.

2. The petitioner sought transfer of the investigation of C.R. No.182 of 2015 registered with Juhu Police Station to a police station outside Zone-9 and entrust the same to the Senior Police Inspector. The transfer is sought on the ground that the said FIR is registered only under the provisions of the IPC, though the same

discloses commission of offence under the Maharashtra Prohibition of Ragging Act, 1999.

3. Mrs. Kantharia, learned APP placed on record a report of the Investigating Officer, dated 15.07.2015 wherein it is stated that the provisions of the Maharashtra Prohibition of Ragging Act would be made applicable in the subject FIR. Having taken instructions from Mr. Satpute, Sr.P.I., similar statement is made by the learned APP. Statement is accepted. In the light of the above, we are not inclined to transfer the investigation outside the Zone-9.

4. So far as relief claimed that the investigation should be conducted by the female officer is concerned, learned APP states that the investigation into the said FIR would be carried by the lady PSI, posted at Juhu Police Station. Statement is accepted. The Investigating Officer incharge of the subject FIR, shall handover all the papers to the concerned lady P.S.I. within 7 days from today.

5. So far as relief claimed in prayer clause (b) is concerned, the petitioner has sought direction to respondent no.7 to take lawful action against the PGCL college. Since the PGCL college is not impleaded as a party respondent, we are not inclined to grant the relief. Even otherwise, the record reveals that the action was taken by the PGCL college against the erring students.

6. Subject to above, the Writ Petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)