

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

CRIMINAL WRIT PETITION NO. 2408 OF 2013

Sasoondock Matsyodhog Sahakari
Society Ltd.

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Mr. N.K.Thakur a/w. Ganesh Bhujbal i/b. Prakash Naik for the
Petitioner.

Mr.K.V.Saste, APP for the Respondent/State.

Police Inspector Mr. A.C.Mahajan from Uran Police Station present.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JANUARY 29, 2015.**

P.C.

1. Heard learned Counsel for the respective parties. This petition under Article 226 and 227 of the Constitution of India is filed for transfer of the investigation of FIR No.17 of 2012 registered at Uran Police Station to the Crime Branch / Cyber Cell of the police department at Belapur.

2. The petitioner had filed complaint bearing No.RC/124 of 2012

before the Judicial Magistrate, First Class, at Uran, against the Manager of the petitioner and others alleging commission of offence by them under Section 403, 407, 408, 409, 420, 465, 467 and 511 of the Indian Penal Code and under Section 66 r/w. Section 43 of the Information Technology Act, 2000.

3. The learned Magistrate, after hearing the original complainant passed an order under Section 156(3) of Cr.PC. and referred the complaint to the Inspector of Police, Uran Police Station for investigation, in the month of December, 2012. In pursuance of this order under Section 156(3) the Uran Police Station has registered FIR No.17 of 2012 on 25.12.2012.

4. The grievance of the petitioner is that the FIR is registered long back, i.e. as back as on December, 2012, but so far no investigation is carried out. He submits that since the C.R. is also registered under the provisions of the Information Technology Act, 2000, it needed to be investigated by the investigating agency have special expertise.

5. The Investigating Officer, Uran Police Station has not filed any reply. However, he is present today. Learned APP Mr. Saste, having taken instructions from the Investigating Officer present in the court

states that the earlier Investigating Officers have already been transferred and the present Investigating Officer has taken charge of investigation of the said FIR on 5.12.2014. The fact remains that no explanation is coming forward as to why the earlier officers have not carried out the investigation. Also, though the present Investigating Officer has taken charge on 5.12.2014 nothing is done so far. Be that as it may, since the allegations for breach of provisions of Information Technology Act, 2000 are made, it required to be investigated by the special agency having expertise. The Counsel for the petitioner states that in fact the respondent State has established Cyber Cell to investigate the offences under the Information Technology Act and one of the branch of Cyber Cell is at Belapur. The statement made by learned Counsel for the petitioner is not disputed by the learned APP.

6. In the above facts and circumstances, we dispose of this petition by passing following order:

i) Investigation of FIR No.17 of 2012 registered by Ural Police Station on 25.12.2012 is transferred to the Cyber Cell of the police department at Belapur.

ii) Considering that the offence was registered long back in the month of December, 2012, the Cyber Cell Department, Belapur, is directed to expedite the investigation and file appropriate report as expeditiously as possible, preferably within six months from receipt of the investigation papers.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)