

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

CRIMINAL WRIT PETITION NO. 2684 OF 2013

Sharad Yeshwant Kokane

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. S.M. Sabrad for the petitioner

Mr. S.K. Shinde, PP a/w Mr. K.V. Saste, APP for the respondent
State

Mr. Nitin Dalvi for the respondent no.7

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 31st MARCH, 2015.

P.C.

1. By this petition, the petitioner has sought following reliefs.

“(b) By an appropriate writ, order, direction this Hon'ble Court be pleased to transfer the investigation from the respondent no.6 to any other police station in Pune District or by appointing any other investigating officer with a further direction directing the said investigating officer to hold further inquiry in the offence which is registered vide C.R. No.58 of 2011 with respondent no.4 police station.

(c) By an appropriate writ, order, direction this Hon'ble Court be pleased to direct the respondent nos. 2 and 3 to hold inquiry against the respondent nos.5 and 6 for having deliberately failed in their duties while performing the investigation of the offence which is registered vide C.R. No.58 of 2011 with respondent no.4 police station.

(d) By an appropriate writ, order, direction this Hon'ble Court be pleased to further direct the respondent no.4 to forthwith seized all the original documents viz. the Development Agreement dated 07.03.2008 and Power of Attorney dated 07.03.2008 from the custody of respondent no.7.”

2. So far as relief claimed in prayer clause (d) is concerned, the same has been complied with pursuant to the order dated 7th January, 2015.

3. So far as relief claimed in prayer clause (b) is concerned, Mr. Saste, learned APP submits that initially there were two accused however, chargesheet was filed against one accused only. He submits that subsequently further report was filed under Section

173 (8) of the Cr.P.C. stating that there is no material against the second accused. The report is accepted by the concerned Magistrate. Therefore, relief for transfer of investigation will not survive.

4. Relief claimed in prayer clause (c) is premature at this stage, and, therefore, we are not inclined to grant the same.

5. The Writ Petition is disposed of accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)