

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

CRI. WRIT PETITION NO. 3149 OF 2015

Miss Anita Shripatrao Sapate ... Petitioner.

V/s.

The State of Maharashtra & Others ... Respondents.

Mr. P.B. Bhargude, Advocate for the Petitioner.

Mr. S.K. Shinde, Public Prosecutor a/with Mrs. S. V. Sonavane,
APP for Respondent No.1-State.

CORAM : RANJIT MORE & A.V.NIRGUDE,JJ.

DATED : 26th NOVEMBER, 2015.

P.C. :

1 Heard Mr. Bhargude, learned counsel appearing for the Petitioner and the learned PP for the State.

2 By this petition, the petitioner seeks direction to quash and set aside the investigation made by the Gadchiroli City Police Station in F.I.R. No.160 of 2006 and transfer the same to the Marine Drive Police Station, Mumbai for de-novo investigation.

3 The learned counsel for the petitioner submits that the though investigation in the said FIR was transferred by the

State Government to Marine Drive Police Station, Mumbai, the investigation in the said crime was completed and a charge-sheet was filed by the Gadchiroli Police Station. He relied upon the provisions of section 407 of the Criminal Procedure Code.

4 The learned PP, however, opposed the petition by pointing out that the present petitioner had earlier filed a petition for similar reliefs, which came to be dismissed.

5 The learned counsel for the petitioner fairly states that the charge-sheet in this case was filed in the year 2009 and the matter is at the stage of framing of charge. He also states that the petitioner's name has been arrayed as an accused in the charge-sheet. That apart, earlier the petitioner had filed writ petition no. 1676 of 2007 for transfer of the investigation of the subject FIR which came to be disposed of. Reliance placed by the learned counsel on the provisions of section 407 of the Cr.P.C. is mis-placed as the said section deals with transfer of cases, inquiry and trial before the subordinate courts. The provisions of this section cannot be made applicable to the transfer of investigation since the charge-sheet has already been filed in this case in the year 2009.

6 Taking overall view of the facts and circumstances of the case, we are not inclined to exercise our jurisdiction

under Article 226 of the Constitution of India. The Petition is devoid of merit and it is dismissed as such.

(A.V.NIRGUDE,J.)

(RANJIT MORE,J.)

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