

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

CRIMINAL WRIT PETITION (wp) NO. 316 OF 2014

Pandurang s/o Ghularam Chivahane

v.

The State of Maharashtra & ors.

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Courts's or Judge's orders

**Coram : B.P .Dharmadhikari and
V.M.Deshpande, JJ.**

Date : 23rd NOVEMBER, 2015

Heard Advocate Rupnarayan for the petitioner and Shri
Nayak, learned APP for the respondents.

Advocate Rupnarayan invites attention to the reply-in-affidavit
tendered in November, 2014, by respondent no. 3. He submits that there is
no progress thereafter.

Learned APP submits that after that reply, time was given by
this Court to the respondents to get instructions in the matter. Thereafter
the matter was dismissed in default on 07.5.2015 and has been restored
back on 21.10.2015. Learned APP submits that he is still awaiting
instructions in the matter.

Advocate Rupnarayan invited our attention to the nature of
injuries and also to the order passed on 25.8.2014. On 25.8.2014, we have

passed following order :

“Learned APP points out that during the course of investigation, the Investigating Officer has received report from Chemical Analyser, which clearly shows finding of residues of insecticide in the viscera. Therefore, the Investigating authority wish to conduct investigation in that direction also and hence he submits that two months time may be granted.

For the just and fair investigation and to bring the truth on record, this Court is of the view that an opportunity should be granted to the Investigating Officer. Hence, two months time is granted. We hope that the Investigating Officer will complete its entire investigation during this period.”

In this situation, in the face of the above order and reply-in-affidavit filed in November, 2014, prosecution has sought time to complete investigation. The matter was dismissed in May, 2015, but there is no further affidavit about the steps taken till then. We, therefore, find grievance of the petitioner justified.

We direct the respondents to transfer investigation of F.I.R. No.28 of 2014 dated 19.1.2014 registered under Sections 302 and 506 read with Section 34 of Indian Penal Code to State C.I.D. Accordingly, the writ petition is partly allowed and disposed of.

JUDGE

JUDGE