

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.522 of 2013

(Chaya Ramesh Telang

vs.

The State of Maharashtra, through its Secretary, Home Department, Mantralaya, Mumbai and others)

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

Court's or Judge's Orders

Mr. P.D. Sharma, Advocate for the Petitioner.

Mr. S.M. Uke, P.P. for the Respondent Nos.1 to 3.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATE : JUNE 24, 2015.

Heard.

Petitioner seeks transfer of investigation of Crime No.100/2012 under Sections 302, 201 read with Section 34 of Indian Penal Code, registered with Police Station Kamptee, District Nagpur on 01/07/2012. Request is, to hand it over to State Criminal Investigation Department or Crime Branch at Nagpur.

The petitioner before this Court is sister of deceased Kailash Bhimrao Dongare, who was found dead on 30th June, 2012.

The matter is pending before this Court since August, 2013. Learned A.P.P. has today tendered additional affidavit on behalf of respondent no.2-Investigating Officer. He

submits that the Investigating Officer has been making best efforts to find out culprits and in absence of clues, the further investigation is becoming difficult. Learned A.P.P argues that still the investigation is going on and as such there is no need to transfer the matter to any other agency. He points out that there are no allegations of any bias and malice against the Investigating Officer in the matter.

Advocate Mr. Sharma on behalf of the petitioner has invited attention to the stand of respondent no.2 in additional affidavit filed on 09/06/2015 after order of this Court, dated 13/02/2015. He submits that facts disclosed in paragraph 9 of said affidavit and in paragraph 18 thereof are mutually insistence. Our attention is also drawn to sequence of events placed on record today with additional affidavit for respondent no.2. He submits that as per said affidavit, deceased is alleged to be between Wadi and Kondhali on the strength of C.D.R.

Learned A.P.P. submits that on the strength of C.D.R., inferential fact has been presented to this Court. Investigating Officer also checked footings of C.C.T.V. at Gondkhairi Toll Booth and could not find any incriminating material.

After hearing the respective parties, we find that respondent no.2 has been making best possible efforts to proceed further with the investigation. However, there is no

tangible progress since last about more than 1½ years i.e. after filing of petition before this Court. Petition has been filed with grievance that investigation is being delayed.

In this situation, we find that in the interest of justice, some other agency needs to apply its mind to the facts. Accordingly, without casting any aspiration on respondent no.2- Investigating Officer, we direct respondent no.1 to hand over investigation to State C.I.D.

Criminal writ petition is accordingly partly allowed.

No costs.

JUDGE

JUDGE

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