

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

CRIMINAL WRIT PETITION NO. 1090/2014.

Kedarnath Gangadhar Agrawal

-VERSUS-

The State of Maharashtra and others.

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

Court's or Judge's Orders

CORAM : **B.P.DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : JULY 03, 2015.

Heard Shri A.A. Naik, learned Counsel
with Shri H.S. Chitale, learned Counsel for the
petitioner and Shri S.S. Doifode, learned A.P.P. for
respondents.

2. During hearing we find that though the
basic challenge was to defective investigation and
request was to transfer said investigation to some
other agency.

3. During pendency of the said challenge, the
Judicial Magistrate First Class has passed some orders
under Section 156[3] of the Criminal Procedure Code

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refusing to intervene. That order is now sought to be assailed in the present matter.

4. It is apparent that unless and until that order is set aside, investigation again cannot commence or cannot be asked to be transferred.

5. Learned A.P.P. points out that against the order under Section 156[3] of Criminal Procedure Code, remedy of filing revision under Section 397 is available to the petitioner.

6. In this situation, with liberty to the petitioner to approach the competent court under Section 397 of Criminal Procedure Code and keeping all his contentions in present writ petition open, we dispose of the present proceedings. No costs.

JUDGE

JUDGE

Rgd.