

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1050 OF 2016

Dnyaneshwar s/o Sakharam Rathod

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
- 2) Sikandar Samsher Khan,
- 3) The Superintendent of Police,
Parbhani, Dist-Parbhani.

...RESPONDENTS

...

Mr.Nitin V. Gaware Advocate for Petitioner.
Mr.D.R. Kale, A.P.P. for Resp. Nos.1 & 3.

...

**CORAM: S.S. SHINDE AND
V.K. JADHAV, JJ.**

DATE : 13TH DECEMBER, 2016

ORDER :

1. Heard. This Petition is filed with two-fold prayers. The first prayer is for seeking direction to the Superintendent of Police, Parbhani to transfer the investigation.

2. The learned A.P.P. informs this Court that Investigating Officer is changed and investigation is transferred to Local Crime Branch at Parbhani.

3. So far as second prayer is concerned, we leave it to the Superintendent of Police, Parbhani to take the appropriate steps, if it is needed, in accordance with law.

4. The learned counsel appearing for the Petitioner submits that yet the accused are not arrested. In that respect, an investigation is an exclusive domain of the Investigating Officer, as long as same is in accordance with law as held by the Supreme Court in the case of **State of Haryana V/s Bhajanlal**" AIR 1992 SC 604. Since the investigation is transferred to Local Crime Branch, it may not be appropriate to make any observations about the prayer of the Petitioner to

arrest the accused. We leave it to the said Investigating Officer for his consideration the manner in which he wish to proceed in the investigation.

5. With the above observations, the Writ Petition stands disposed of.

[V.K. JADHAV, J.]

asb/DEC16

[S.S. SHINDE, J.]