

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

**922 CRIMINAL WRIT PETITION NO. 1204 OF 2016**

SHAIKH AYYUB S/O SHAIKH KAREEM  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Petitioner : Mr. A. P. Gaikwad h/f Mr. S.S. Kazi  
APP for Respondents 1 to 5: Mr. A. B. Girase

. . .

**CORAM : S.S. SHINDE &  
K.K. SONAWANE, JJ.**

**DATE : 18TH NOVEMBER, 2016.**

**PER COURT:**

1] Heard learned counsel for the petitioners and learned APP for the State.

2] There are two fold prayers in this petition. Firstly, to initiate suo-moto contempt proceedings against the concerned officer for furnishing false information to the learned Additional Government Pleader in regard to filing of charge sheet at the time of hearing Criminal Writ Petition No. 1520 of 2015 and secondly, to direct the respondent Nos. 1 and 2 to hand over the investigation of Crime No.46 of 2013 registered at Police Station, Majalgaon, to some independent officer, not below the rank of Superintendent of Police.

3] It is stated in the affidavit in reply that the proposal forwarded by the Investigating Officer for sanction under Section 197 of Cr.P.C. is considered and the Department has accorded sanction to prosecute Shaikh Hamid Chand, A.P.I., Police Station, Majalgaon. In that view of the matter, we do not deem it appropriate to initiate contempt proceedings against the respondents.

4] So far as prayer for transfer of investigation to the Independent Officer not below the rank of Superintendent of Police is concerned, we do not see any valid reason at this moment to accede to the prayer of the petitioner for said transfer of investigation.

5] In the light of above, Criminal Writ petition is disposed of. No costs.

**[K.K.SONAWANE]**  
**JUDGE**

**[S.S. SHINDE]**  
**JUDGE**

grt/-