

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 1358 OF 2016**

AYNUL HAQ S/O ABDUL HAQ PATEL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioners: Mr. R.C. Bora
APP for Respondent/State : Mr. S.Y. Mahajan

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CORAM : S.S. SHINDE & K.K. SONAWANE, JJ.**Dated: December 02, 2016**

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PER COURT :-

This Petition under Article 226 of the Constitution of India is filed with the following prayer :-

"By way of appropriate writ, order or directions in the nature, the respondent authorities to transfer the investigation of FIR bearing crime no. 82/2016 registered with Karmad Police Station, Tq. and Dist. Aurangabad for the offences punishable U/s. 302, 307, 323, 120(b), 143, 147, 148, 149, 504 and 506 of the Indian Penal Code to

the Central Bureau of Investigation / Special Investigating Team or under the supervision of the Superintendent of Police, Aurangabad."

2. Pursuant to the notice issued to the Respondent/State, the learned A.P.P. procured the investigation papers. On the basis of the investigation papers, he submits that, in all names of 34 accused are incorporated in the charge-sheet. The charge-sheet is accompanied with the statements of 16 witnesses, including the medical evidence and all other material collected by the Investigating Officer during the course of investigation. He further submits that the Investigating Officer is taking all efforts so as to arrest the remaining 8 absconding accused. One of the accused was arrested on 21st November, 2016.

3. Upon hearing the learned counsel appearing for the petitioner and the learned A.P.P. appearing for the Respondent/State, we are of the opinion that the concerned Investigating Officer has properly investigated into the matter and also taking efforts to trace out the absconding accused.

The charge-sheet is already filed before the Competent Court. In that view of the matter, we do not think it necessary to transfer the investigation to some other Officer and the investigation should be conducted under the supervision of the Superintendent of Police, Aurangabad, as prayed by the petitioner.

4. For the reasons aforesaid, the Petition stands disposed of.

5. The grievance of the petitioner that the accused or his relatives are threatening the petitioner or the prosecution witnesses is a separate matter and in that respect, it is open for the petitioner and other witnesses to lodge the F.I.R./complaint.

(K.K. SONAWANE, J.)

(S.S. SHINDE, J.)

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