

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1392 OF 2016

Santosh s/o Sukhdeo Waykar

...PETITIONER

VERSUS

Union of India,
Through Secretary Ministry of
Home Affair, New Delhi
and others.

...RESPONDENTS

...
Mr.R.A. Jaiwsal Advocate appointed for
Petitioner.
Mr.A.M. Phule, A.P.P. for Respondents.
...

CORAM: S.S. SHINDE AND
P.R. BORA, JJ.

DATE : 21ST DECEMBER, 2016

ORDER :

1. At the out-set, the learned A.P.P. appearing for the Respondents has tendered across the Bar the affidavit in reply filed on behalf of Respondent No.3. The same is taken on record.

2. This Petition is filed seeking direction to Respondent No.1 to conduct a free and fair investigation through C.B.I. or any Independent Agency in Crime No.190/2015, registered at Police Station Kopergaon, under Section 307, 395, 120-B of Indian Penal Code.

3. The learned A.P.P. appearing for State, relying on the contents of the affidavit in reply filed on behalf of Respondent No.3, submits that the charge-sheet is already filed before the competent Court and therefore there is no question of further investigation at the instance of the Petitioner who is accused in Crime No.190 of 2015.

4. Upon hearing the learned counsel appearing for the Petitioner and learned A.P.P. appearing for State and upon perusal of the contents of the affidavit in reply filed on behalf of Respondent No.3, we are not inclined to entertain this Petition. Hence the Writ Petition

stands rejected.

5. Since, Mr. Jaiswal, the learned counsel is appointed as Amicus Curie to prosecute the cause of the petitioner, his fees be paid as per the schedule of fees maintained by the High Court Legal Services Sub-Committee, Aurangabad.

[P.R. BORA, J.]

asb/DEC16

[S.S. SHINDE, J.]