

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 663 OF 2016

Ayesha Dawood Ansari ... Petitioner

V/s.

The State of Maharashtra & ors. ... Respondents

Mr. Sandeep Maurya i/b. Ismaile Shaikh for the petitioner.
Mr. J.P. Yagnik, APP for the State.

**CORAM : NARESH H. PATIL AND
A.M. BADAR, JJ.**

7th April, 2016.

P.C.

The petitioner is sister of late Sajid Sakir Ansari who according to petitioner was murdered on 21st January, 2016 at 6.45 p.m. near Accord Complex Society Gate, Near Al-hamara Cloth Shop, Amrut Nagar, Mumbra, Thane. FIR came to be registered for the offences punishable under Sections 302, 504, 506(Part II) read with Section 34 of IPC and read with Section 37(1)(3) and 135 of the

Maharashtra Police Act against Shri Abdul Majid Abdul Rashid Kazi alias Ganna and Mohd. Usman Bashir Ahmed Shaikh and two unknown persons. It is the petitioner's contention that late Sajid Ansari was RTI activist and social worker and also President of the AL-FLAH Mini Tempo Union. He had filed various police complaints, court cases and applications under RTI concerning unauthorised construction activities, illegal businesses as well as illegal mining of sand etc. against the individuals and organizations.

2. The petitioner submits that investigation was not carried out properly. Certain allegations are made against the investigation officer Mr. Ravindra Tayade, Senior Inspector of Police-respondent no.3 and prayer is made to transfer the investigation to the CBI or to the State CID. The petitioner has annexed various representations, applications, complaints made by the deceased and thereafter relatives of the petitioner. Certain photographs are annexed to the petition of the subject areas in respect of which complaints were filed by the deceased as an activist.

3. Learned Counsel appearing for the petitioner submits that the real culprit behind the crime are not going to be arrested and booked in criminal case which is being investigated by the police. It is submitted that police deliberately did not opt for police custody of the accused persons and conveniently allowed them to remain in judicial custody. It is further submitted that the master minds of the crime are not touched in the entire investigation. The Counsel, therefore, submits that for fair and further investigation the case is required to be handed over to another investigating agency.

4. Learned APP has produced the investigation papers before us. Learned APP on instructions of Mr. M.D. Jadhav, Police Inspector, Mumbra Police Station submits that considering the representations made by the deceased and the representatives of the deceased the Dy. Commissioner of Police of the concerned zone is supervising the investigation and the final report which would be filed within two weeks would be filed under the supervision of the Dy. Commissioner of Police. Learned APP submitted that police had recorded statements of eye witnesses, collected CDR reports and

pen-drives, CCTV footages. Test identification parade was conducted. The statement under Section 164 of the Cr. P.C. is also recorded.

5. It seems that petitioner is under impression that fair investigation will not be conducted in this case but the APP has already made statement that the report would be filed based on the investigation conducted as of now within two weeks.

6. Without expressing any opinion on the nature of the investigation and the proposed filing of report, we direct the Dy. Commissioner of Police to issue appropriate instructions to the Investigating Officer after personally perusing the investigation papers. The Dy. Commissioner of Police is free to call for any other relevant information which is necessary to be gathered during the course of investigation before filing of report. Needless to mention that even after filing of report and in case of a chargesheet at any stage if the investigating agency finds that further investigation is required, they are free to deal with the matter in accordance with

law.

7. With aforesaid directions and observations, petition is disposed of. Learned APP to forward copy of this order to Dy. Commissioner of Police of the concerned zone.

(A.M. BADAR, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.