

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1960 OF 2015

Dr. Prakash Jayant Kulkarni. ... Petitioner.
Versus
The State of Maharashtra & anr. ... Respondents.

Mr. Abhay Nevagi a/w. Mr. Prasanna Patil i/b. Abhay Nevagi & Associates, advocate for petitioner.

Mr. Rajiv Patil, Sr. Counsel i/b. Mr. P.D. Pise, advocate for respondent No. 2.

Mrs. A.A. Mane, APP for State.

CORAM : SMT. SADHANA S. JADHAV, J
DATE : JULY 25, 2016

P.C.:

1 Heard the learned Counsel for the petitioner, the learned Counsel for respondent No. 2 and the learned APP for State.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The petitioner herein questions the observations made by the Chief Judicial Magistrate, Sangli dated 27/5/2014 thereby giving directions for investigation. This Court in the order dated 20/9/2015 had considered the said issue and had observed that the learned Magistrate ought not to have suggested any mode of investigation or interfered with the course taken by the investigating agency.

4 Today, the learned APP has placed on record the report filed by the API of Vishrambag Police Station, Pune, whereby it is informed that the earlier investigating officer Shri B.B. Lokhande, who was entrusted with the investigation on 7/7/2014, has retired on superannuation on 31st May, 2016 and has returned the papers to the concerned police station. It is also submitted that API Mr. S.V. Patil has been entrusted with the said investigation since 19/7/2016. It is also informed that the State of Maharashtra has appointed a three member committee to enquire into the disputes between the Management and members. The report is taken on record and marked as Article "X" for identification.

5 It is made clear to the present Investigating Officer that the Investigation should be conducted independently, without being influenced by the observations of the learned Magistrate. It is in this circumstance that both the Counsel agree that the petition can be disposed of with specific directions.

6 Hence, Rule is made partly absolute in the following terms :

(I) The Investigating Officer shall carry the investigation independently in accordance with law without being influenced by the observations or the directions issued by the Chief Judicial Magistrate, Sangli vide order dated 27th May, 2014.

7 The Writ Petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV, J)