

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

CRI. WRIT PETITION NO. 2901 OF 2015

Mr. Shivprasad Chetai Kanojia (Adv.) ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. K. M. Mhatre, Advocate for the Petitioner.

Mrs. M. M. Deshmukh, APP for the State.

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

DATE : 15th MARCH, 2016.

P.C. :

1 The Petitioner's grievance is that he was assaulted by Police Constables Mr. Shinde and Mr. Khade and other three police personnel at the Mira Road Police Station. A compliant was lodged by him with the said police station on 11th July, 2015, which came to be registered for the offence under sections 143, 337, 323, 504 r/w. 34 of the Indian Penal Code. It is contended by the learned counsel for the Petitioner that so far investigation into the incident has not been completed.

2 The learned counsel for the Petitioner submits that investigation into the said incident by the same Police Officer

shall not be conducted. It is the apprehension of the Petitioner that the investigation would not be conducted fairly.

3 The learned APP submits that Investigating Officer Mr. Shinde attached to the said police station is investigating the offence.

4 In the facts of this case, we direct the Superintendent of Police, Thane Rural to transfer the subject investigation to any other competent Senior Police Inspector of the Police Station.

5 The investigation shall be completed within 45 days.

6 All issues are kept open. With the above directions, the Petition is disposed of.

 All concerned to act on an authenticated copy of this order.

(A. M. BADAR, J.)

(NARESH H.PATIL,J.)

.....