

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3568 OF 2014

Mohammed Ali Bharawani. ..Petitioner.
Versus
State of Maharashtra & Another. ..Respondents.

Mr. M. G. Shukla for the Petitioner.
Mr. K. V. Saste, learned APP for the State.
Mr. Sunil Yadav, Police Inspector, Oshiwara Police Station.

Coram : RANJIT MORE &
S. C. GUPTA, JJ.
Date : **February 3, 2016.**

P. C. :

1. The petition is filed seeking transfer of investigation of an FIR registered with Oshiwara Police Station, being FIR No.35 of 2014, to any other Police Station or independent authority. The FIR pertains to the offence punishable under sections 452, 142, 149, 504 and 506 of the Indian Penal Code, 1860.
2. Mr. Saste, learned APP having taken instructions from the concerned police officer makes a statement that out of the six accused persons involved in the crime, one was arrested and released on bail and other two accused have obtained anticipatory bail. He further states that remaining three accused persons are still absconding / wanted. He further states that

charge-sheet is filed before the concerned Magistrate in respect of three accused and leave of the Magistrate is taken to carry out further investigation as contemplated under section 173(8) of the Code. Statements are accepted.

3. In above circumstances, we are not inclined to grant relief of transfer of investigation. However, the Investigating Officer is directed to make efforts to trace out the wanted accused persons and file appropriate report as expeditiously as possible.

4. With the aforesaid direction, writ petition is disposed of.

[S. C. GUPTE, J.]

[RANJIT MORE, J.]