

CRIMINAL WRIT PETITION NO. 3000 OF 2016

V/s.

Mr. Archit Jayakar a/w. Mrs. Mahalaxmi Ganapathy, Mr. Rahil Jhaveri i/b. Jayakar & Partners for the petitioner.

Mrs. Sangeeta Shinde, APP for the State.

**CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.**

7th October, 2016.

P.C.

On a complaint filed with the Judicial Magistrate, First Class, Pune being CR. MA No. 2073/13, JMFC, Pune passed an order dated 30th August, 2013 under Section 156(III) Cr.P.C.. FIR came to be registered on 3rd September, 2013. The police filed 'B' Summary Report dated 17th December, 2014. The petitioner filed a protest petition.

2. By an order passed below exhibit L in Cr. M.A. No. 2073/13 on

11/7/16 the Judicial Magistrate First Class, Court No.9, Pune passed following order:

- “1) Protest petition is accepted.
- 2) Present matter is sent for reinvestigation to Chaturshrungi Police Station and it is directed that the matter be investigated by other officer then who investigated earlier.
- 3) Issue letter accordingly.”

3. The petitioner apprehends that fair investigation may not be conducted if the investigation is carried out by the officers attached to the same police station i.e. Chaturshrungi Police Station in view of the grounds raised in the petition.

4. Learned APP submits that earlier investigation was carried out by Mr. V.R. Gound, API.

5. The Magistrate had already directed that the matter shall be investigated by the officer other than the one who investigated the same earlier. We may add that the investigation shall be carried out under supervision of ACP

6. It is clarified that the order of Magistrate shall be construed as direction to '**further investigate**' instead of '**reinvestigation**'.

7. With aforesaid observations and directions, petition stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

L.S. Panjwani, P.S.