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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 3619 OF 2014**

Kunal Vallabhadas Chotalia and anr. ....Petitioners  
versus  
The State of Maharashtra and ors. ....Respondents

Mr. H. S. S.Murthy i/b. Mr. Abhishek Patil, advocate for the petitioners.  
Mr. K. V. Saste, APP for the State.  
Ms. Trupti Surve i/b. Mr. Sahil Mahajan, advocate for respondent No.3.

**CORAM : RANJIT MORE &  
ANUJA PRABHUDESSAI, JJ.**

**DATED : 2<sup>nd</sup> FEBRUARY, 2016.**

**P.C.:**

The petition is filed for the following reliefs :

- (a) Rule Nisi be issued;
- (b) That this Hon'ble Court be pleased to issue Writ of Habeas Corpus or any other appropriate writ thereby directing the Respondents to forthwith produce said Shri Ratilal Govindji Chotalia before this Hon'ble Court;
- (c) That this Hon'ble Court be pleased to issue Writ of Certiorari or any other appropriate writ thereby directing the Respondent No.1 to transfer the investigation to senior officer of the Crime Branch and to

further forthwith treat the various complaints at Exhibit "A", "B", "C", "D" & "E" -Collectively to the petition as FIR and lodge complaint accordingly u/s 344, 347, 363, 368, 408, 420, 427 along with other applicable sections revealed in police investigations;

So far as prayer clause (b) is concerned, the petitioners do not dispute that Ratilal Govindji Chotalia has expired on 30<sup>th</sup> August, 2015. Therefore, the relief claimed under the said clause will not survive. As far as relief claimed under prayer clause (c) is concerned, the petitioners have an alternative efficacious remedy under Section 156(3) of the Code of Criminal Procedure, 1973. We are, therefore, not inclined to entertain the petition. The petition, accordingly, stands dismissed.

2. Needless to mention that we have not gone into the merits of the petition. The petitioners are always at liberty to adopt appropriate remedy available under law.

**(ANUJA PRABHUDESSAI, J.)**

**(RANJIT MORE, J.)**