

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.465 OF 2015

Amarjeet B Mishra

..vs..

**State of Mah., thr the Secretary to the Government of Maharashtra, Department of
Home, Mantralaya, Mumbai and ors**

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri E.A. Sasi, counsel for the Petitioner.

Shri S.B. Ahirkar, Addl.P.P. for the Respondents/State.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : JANUARY 25, 2016.

Heard.

**We are not inclined to hear learned counsel
for the petitioner Shri E.A. Sasi at length though he
wants to demonstrate several lacunae in the matter.**

**We have perused order dated 21.9.2015
passed by this Court and affidavit, filed by Shri Firoz
Khan Usman Khan Pathan, Assistant Police Inspector,
Police Station Gadgenagar, Amravati City, dated
22.12.2015. Along with said affidavit, a seizure memo
dated 5.10.2015 has been filed which mentions text
messages upto morning of 24.3.2015. However,
Whats-App messages from 17.7.2014 to 22.3.2015 only
are mentioned.**

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We are satisfied with the contention of learned counsel for the petitioner Shri E.A. Sasi that the messages from 22.3.2015 till early morning of 24.3.2015 may have some bearing on investigation. The affidavit does not expressly comment upon Whats-App messages during this period. Along with above mentioned affidavit, a communication sent by one Kanchan Pande, Assistant Police Inspector, Cyber Cell, Amravati City to the Police Inspector, Police Station Gadgenagar, Amravati City dated 9.10.2015 is also produced. It mentions, that the text messages have been sent on E-mail ID of Police Station. It is further stated that Whats-App messages were already retrieved before forwarding the said mobile to the Cyber Cell and when Cyber Cell retrieved Whats-App messages, the messages only upto 22.3.2015 were available.

Therefore, the question is about availability or absence of Whats-App messages between 22.3.2015 to 24.3.2015. The documents on record are silent about it. In spite of specific direction of this Court dated 21.9.2015, the respondents have not filed any specific affidavit about it.

We are convinced that this situation may itself call for some investigation at appropriate juncture.

Therefore, we grant prayer clause (a) in the

criminal writ petition and transfer the investigation to the State C.I.D. at Amravati. The Commissioner of Police, Amravati shall take necessary steps forthwith to see that no time is lost in transferring the papers. The State C.I.D. shall attempt to complete the investigation at the earliest and in any case within a period of next six weeks. The petitioner shall co-operate with the State C.I.D..

The criminal writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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