

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

CRIMINAL W.P. NO.492 OF 2016

Kailash S/o Kisanrao Chauhan

..VS..

State of Maharashtra, thr. P.S.O., P.S. Darwha, District Yavatmal

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

Court's or Judge's Order

Shri M.I. Dhatrak, counsel for the applicant.
Shri M.J. Khan, Additional Public Prosecutor for non-applicant Nos.1
and 2/State.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**
DATED : OCTOBER 20, 2016.

Heard learned counsel Shri M.I. Dhatrak for
the applicant and learned Additional Public Prosecutor
Shri M.J. Khan for non-applicant Nos.1 and 2/State.

Submission is, despite specific direction by
the Special Inspector General of Police on grievance
made by the petitioner to change investigating officer,
hurriedly very same investigating officer completed it
and charge-sheet is already filed. Though the F.I.R.
lodged by the petitioner is, first in point of time, on the
strength of counter F.I.R. filed much thereafter in
relation to very same incident, investigation is hastily
completed and charge-sheet was filed against the

.....2/-

petitioner. Only after issuance of notice by this Court, in complaint lodged by the petitioner, charge-sheet has been filed against the respondents. It is further stated that provisions of Sections 364 and 364(A) of the Indian Penal Code, which needed to be applied, have not been invoked in that charge-sheet at all. The statements of essential witnesses are also not recorded.

As the charge-sheet on rival complaints are already filed, it is apparent that investigation is technically over. Hence, we cannot in this jurisdiction now set aside that investigation.

We keep all contentions of the petitioner, who is the Government Servant, open. The petitioner can press the same before the Trial Court at appropriate juncture and seek necessary directions/relief.

Hence, with that liberty to the petitioner, we dispose of the present proceedings. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 21/10/2016

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