

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 29 OF 2017

Sanjay Kumar Koran ... Petitioner
V/s.
The Police Inspector & Ors. ... Respondents

Mr.Pravin Dabade i/b. Mr.V.B. Shivarkar for the Petitioner.
Ms.S.D. Shiinde, APP for the State.
Mr.Mahesh Krushnarao Dhavan, API, Chakan Police Station.

**CORAM : RANJIT MORE &
DR.SHALINI PHANSALKAR-JOSHI, JJ.**

DATE : 16th MARCH, 2017.

P.C. :

1] Heard learned counsel for the Petitioner and learned APP
for the State.

2] This petition is filed for transfer of investigation into CR No.133 of 2010 registered at Chakan Police Station, District Pune to CBI or other investigating agency.

3] On 17/05/2010, the Petitioner filed missing complaint in respect of his daughter aged 8 years. In the course of enquiry of the said complaint, the dead body of the missing girl was found floating in the well. Therefore, the offence under Section 302 and 201 of the

IPC was registered on 18/05/2010. During the course of investigation, on suspicion one Santosh Baban Nikam was arrested on 13/06/2010. However, he was released on bail by the Sessions Court on 18/09/2010. Subsequently, the investigating agency obtained permission from the competent Court for narco-analysis, lie-detector and brain-mapping tests of Santosh Baban Nikam. However, since then the accused is absconding. The aunt of the Accused Ms.Mangal Nikam is also absconding since last more than six years.

4] Learned APP, on instructions, states that despite best efforts of the Investigating Officer, the accused or his aunt could not be traced. The report dated 27/12/2012 made by the Investigating Officer to the Sub-Divisional Officer, Khed Division Khed shows that no objection was given for transfer the investigation of the subject crime to local crime branch.

5] The post-mortem report of the missing girl is annexed at page no.66. The injuries mentioned in clause 17 make it abundantly clear that the missing girl was brutally murdered.

6] Considering the facts and seriousness of the crime and failure of investigating agency to trace out the absconding accused

and also to find out the real culprit, we deem it appropriate to transfer the investigation of the subject crime to State CID Pune. The Investigating Officer of subject CR shall hand over all the papers to the Investigating Officer that would be appointed by the State CID Pune. The State CID, thereafter, shall carry-out the investigation and take appropriate action expeditiously in accordance with law.

7] Writ Petition is, accordingly, disposed of.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]