

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 767 OF 2017

Vinod M. jain. ..Petitioner.

Versus

State of Maharashtra & Others. ..Respondents.

Mr. B. G. Tangsali for the Petitioner.

Mrs. M. M. Deshmukh, APP for the State.

Mr. A. P. Mundargi, Senior Advocate with Mr. M. S. Surana and S.
G. Surana for Intervenor in APPW No. 97 of 2017.

Coram : Ranjit More &
Dr. Shalini Phansalkar-Joshi, JJ.

Date : **March 21, 2017.**

P. C. :

1. Petition is filed seeking direction to transfer investigation from Kherwadi Police Station to EoW or any other agency. Learned Counsel appearing for the Petitioner does not dispute that during the pendency of this writ petition, subject CR was investigated and B-Summary report is filed before the Metropolitan Magistrate, 32nd Court, Bandra. When we pointed out that the Petitioner has alternate and efficacious remedy to approach the concerned Magistrate, learned Counsel appearing for the Petitioner having taken instructions from his client sought leave to withdraw the writ petition with liberty to contest the B-Summary report before the Magistrate. Leave with liberty as prayed for is granted. Petition is disposed of as withdrawn.

2. It is made clear that this Court has not gone into merits of the matter and all points and contentions of the respective parties are kept open.

3. Learned Magistrate shall dispose of the B-summary report in accordance with law and only after hearing the Petitioner – complainant. Magistrate shall endeavour to dispose of the said report expeditiously.

[Dr. Shalini Phansalkar-Joshi, J.]

[RANJIT MORE, J.]