

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.818 OF 2016

Suresh @ Suryakant Gopal Gavas ... Petitioner
Vs.
State of Maharashtra,
Through Sawantwadi Police Station,
Dist. Sindhudurg & Anr. ... Respondents

Mr. M.D. Modgi for the Petitioner.

Mr. J.P. Yagnik, A.P.P., for Respondent No.1-State.

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

DATE : 24TH JANUARY 2017.

P.C. :

1. This Petition is filed for the following reliefs :-

“(a) Quash and set aside order dated 5th November 2014 (Exhibit-H) passed by Judicial Magistrate, First Class-I, Sawantwadi in Summary Report No.82/2014, thereby dropping proceedings against the accused in First Information Report No.59 of 2013 registered with Sawantwadi Police Station, District Sindhudurg.

(b) Issue appropriate writ, order or direction directing the transfer of investigation in F.I.R. No.59/2013 registered with Sawantwadi Police Station, District Sindhudurg to Maharashtra State C.I.D.”

2. So far as the relief claimed in prayer clause (b) is concerned, the same cannot be considered, unless the Summary Report is either quashed or set aside by the competent Appellate Court.

3. As far as relief claimed in prayer clause (a) is concerned, the Petitioner has alternate remedy of revision and, therefore, we are not inclined to entertain this Petition.

4. In the above circumstances, the Petition is disposed of.

5. It is made clear that, we have not gone into the merits of the contentions of the respective parties and parties are at liberty to raise the same before the appropriate Court.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]