

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.903 OF 2015

Rajendra Narayan Bhoir	Petitioner
versus	
The State of Maharashtra and ors.	Respondents

Mr. Rahul S. Kulkarni, advocate for the petitioner.
Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE : 6th JUNE, 2017.

P. C. :

Heard learned counsel for the petitioner and learned APP for the State. Also perused the report dated 6th June, 2017 of the Senior Police Inspector, Kalamboli Police Station, Navi Mumbai.

2. The petition is filed for transfer of investigation of CR.No.I-110 of 2014 registered with Kalamboli Police Station to any other investigating agency. The said FIR is registered on the basis of the petitioner's information that his mother was murdered on 30th June, 2014, by some unknown persons. Subsequently, the petitioner expressed his suspicion that his mother might have been murdered by Ankush Ananta Bhoir and Randhir Ananta Bhoir. The investigating officer, accordingly, arrested these persons and police custody remand

was obtained. However, subsequently they were released on bail. The investigating officer also recorded the statement under Section 161 of the Code of Criminal Procedure, 1973, of total 44 witnesses and ultimately a report under Section 169 of the Code of Criminal Procedure, 1973, is filed in respect of the aforesaid two arrested persons.

3. The petitioner has filed an additional affidavit. In this affidavit, he has expressed his suspicion that at the behest of Ankush Bhoir, Randhir Bhoir, Laxman Thakur and Rajesh Takale, his mother is murdered by one Prabhudas Bhoir through his trusted aids. The petitioner has also stated that he received information from Satish Keshav Bhoir that there is one person viz. Sagar Narayan Thakur who actually witnessed the incident in question. In paragraph 6, the petitioner has made allegations against the police officers also.

4. Mr. Yagnik, learned APP, on instructions, stated that subsequent to the additional affidavit filed by the petitioner expressing his suspicion, the investigating officer recorded the statements of Laxman S. Thakur, Rajendra Bhagoji, Prabhudas Arjun Bhoir, Laxman Sadashiv Thakur, Sagar Narayan Thakur, Prabhudas Arjun Bhoir and Satish Keshav Bhoir. However, these witnesses have not supported the allegations made by the petitioner in the additional affidavit.

5. Mr. Yagnik, learned APP, on instructions, stated that the investigation into the subject FIR would be continued against the unknown accused despite filing of report under Section 169 of the Code of Criminal Procedure, 1973, against the two accused already arrested.

6. In the circumstances, we are not inclined to transfer the investigation. Instead, we direct the DCP, Panvel Zone – II, to supervise the investigation of the subject crime.

7. In the light of the above, the writ petition stands disposed of.

(SARANG V. KOTWAL, J.)

[RANJIT MORE, J.]