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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO.1744 OF 2017

Shivram Ashok Saikar ... Petitioner.
V/s.
The State of Maharashtra
and ors ... Respondents

Mrs. Vaishali Jagdale, for the Petitioner.
Mrs. A.S. Pai, APP for the Respondent State.

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

DATE : 27th NOVEMBER, 2017.

P.C. :

1] The petition is filed for the following reliefs:-

“(a) By suitable order or directions this Honourable High Court may be pleased to direct the Respondent Nos 4 or 5 to change and appoint any other police officer of the rank of Deputy Commissioner of Police or Assistant Commissioner of Police from Police Commisionarate, Pune as enquiry officer other than Respondent No.3 in the preliminary enquiry initiated against the Respondent No.3 and a fresh enquiry be conducted in an impartial manner accepting the Petitioner's statement, forthwith”.

2] Earlier the petitioner approached this Court, by filing Writ Petition No.4108 of 2016. The same was disposed on 14th December,

2016 by passing following order:-

“1 Heard Mrs. Vaishali Jagdale, learned counsel for the petitioner and Mrs. Deshmukh, learned APP for the State.

2. By this petition, petitioner seeks following reliefs :-

(a) By suitable order or directions this Honourable High Court may be pleased to direct the Respondent No. 1, 2 & 4 to take disciplinary action against the Respondent No.3 for belatedly registering the FIR No.61/2016.

(b) By suitable order or directions this Honourable High Court may be pleased to direct the Respondent No.2 to properly investigate the matter strictly as per law and file charge sheet in the competent court in FIR no.61/2016 registered at MIDC Bhosari Police Station, Pune, forthwith.

3. So far as prayer clause (a), is concerned, the petitioner has alternate efficacious remedy to approach State police authority.

4. As far as relief claimed in the prayer clause (b) is concerned, Mrs. Deshmukh, learned APP, on instructions, makes statement that investigation into

F.I.R. No.61 of 2016 is almost complete and the chargesheet will be filed within a period of 8 days from today. Statement is accepted”.

3] The grievance of the petitioner in the present petition was dealt with earlier. In paragraph No.3 of the order dated 14th December in W.P. No.4108 of 2016, the petitioner was granted an opportunity to approach State Police Authority.

4] The learned APP points out and learned counsel for the petitioner does not dispute that the petitioner had approached the State Police Authority in this regard making grievance against Respondent No.3.

5] Learned APP submits that the State Police Authority ordered an enquiry against respondent No.3, through Assistant Commissioner of Police, Wagle Estate, Thane. She also states that the enquiry was concluded exonerating the respondent No.3. Accordingly report is submitted to the State Police Authority which has already been accepted.

6] In the light of above, the petitioner cannot ask for change of enquiry officer. The petition is misconceived and same is accordingly dismissed.