

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

WRIT PETITION NO. 1946 OF 2015

Prabhavati Vithal Wadkar	...	Petitioner
V/s.		
The State of Maharashtra & Ors.	...	Respondents

Mr.Nikhilesh Pote for the Petitioner.
Mr.J.P. Yagnik, APP for the State.

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

DATE : 5th JANUARY, 2017.

P.C. :

1] Heard Mr.Pote, learned counsel for the Petitioner and Mr.Yagnik, learned APP for the State.

2] By this petition, the Petitioner is seeking transfer of investigation in C.R. No.114 of 2015 from Police Inspector Crime, Chaturshrungi Police Station to State CID.

3] Mr.Yagnik, learned APP placed on record, 'Report' dated 4th January, 2017 from Police Inspector Crime, Chaturshrungi Police Station. The 'Report' shows that Investigating Officer has recorded statements of as many as six witnesses cited in the complaint. On the

basis of the material before him, Investigating Officer has come to the conclusion that there is no sufficient evidence against the accused and the complaint made by the Petitioner is false and filed out of malice. The Investigating Officer, accordingly, proposed 'B' Summary. Mr.Yagnik, learned APP made a statement that within a period of two weeks from today, 'B' Summary Report would be filed before the concerned Magistrate.

4] In the light of the above, in our considered opinion, the Petitioner is always at liberty to contest 'B' Summary Report before the Magistrate. We are, therefore, not inclined to entertain this petition in exercise of the Article 226 of the Constitution of India and same is, accordingly, dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]