

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2575 OF 2017

Rais Zahir KhanPetitioner
V/s.
The State of Maharashtra & Ors.Respondents

Ms. Mayura Maru i/by MKS Legal Assoc., Advocate for Petitioner.
Mrs. A.S.Pai, APP for the Respondent-State.

**CORAM :- R.M. SAVANT &
SANDEEP K. SHINDE, JJ.**

DATE :- 6TH SEPTEMBER, 2017.

PC. :-

The reliefs sought in the above Writ Petition is a direction for transfer of the investigation to the Crime Branch or CB CID or CBI; direction to produce all records, documents related to the FIR No.2 of 2016 investigated by the Anti Corruption Bureau, Mumbai for the offences punishable under Sections 7, 13(1)(d) and 13(2) of the Prevention of Corruption Act, 1988; direction to produce copy of the complaint received against Mr. Dipak Phatangare Police Officer attached to Bangur Nagar Police Station ; a direction to initiate enquiry against the Investigating Officer who has not performed his legal duties of carrying out investigation in

accordance with law in respect of the FIR No.2 of 2016 and for direction to provide necessary police protection to the Petitioner and his family members.

2 The learned APP Mrs. Pai on instructions of Investigating Officer Mr. Sanjay Nale Assistant Commissioner of Police attached Anti Corruption Bureau points out that charge-sheet has been filed in the last week. The undertone of the prayers, therefore, seems to be that the Petitioner is aggrieved by the fact that Shri Dipak Phatangare have not been arraigned as accused. At-least that was the submission made by the learned counsel appearing for the Petitioner before us in so far as the said affidavit is concerned. The trial Court is vested with the powers under Section 319 of the Cr.P.C. to take care of such a situation. Hence, no relief of the nature sought can be granted to the Petitioner. In so far as the transfer of investigation is concerned, the said relief cannot be granted for two fold reasons, namely, offence under Prevention of Corruption Act is investigated by the Anti Corruption Bureau and secondly, that the charge-sheet has already been filed by the Anti Corruption Bureau. In so far as the first relief, i.e., protection is concerned, the Petitioner may make an application for the same if so

advised. If any such application is made, the Competent Authority, who is vested with the powers to consider such application for police protection would consider the request of the Petitioner as per rules and regulations.

3 With the aforesaid directions, the Writ Petition is disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)