

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

CRIMINAL WRIT PETITION NO. 3025 of 2014

Jabbar A. Tanwar

.. Petitioner

v/s.

The State of Maharashtra & Ors.

..Respondents

Mr. Madhukar Dalvi i/b. P.C.Khan for the Petitioner.

Mrs. M.M.Deshmukh, APP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.
DATED : 7th APRIL, 2017.**

P.C. :

1. Heard the learned Counsel for the Petitioner and the learned APP for the State.
2. Perused the affidavit in reply. The petition is filed seeking transfer of investigation of C.R.No. 457 of 2014 registered with Santqa Cruz Police Station for the offences punishable under Section 324 of Indian Penal Code. Last time, when the petition was placed before us, the learned APP, on instructions, stated that after completion of investigation the report under Section 169 of the Code

of Criminal Procedure is filed. Hence, we directed the learned APP to file affidavit along with copy of the report under Section 169 of the Code of Criminal Procedure.

3. Accordingly, the learned APP has filed an affidavit and copy of the report was placed before us for perusal.

4. The record shows that the police have submitted 'C' Summary Report during the pendency of this petition. As a matter of fact, serious allegations are made in the FIR against the police personnel. Despite that, 'C' Summary Report is filed by the police. The learned Counsel for the Petitioner invited our attention to the fact that the Investigating Officer has not even recorded the statements of the witnesses referred in the First Information Report. It appears that the Investigating Officer has recorded the statement of the first informant's father and on the basis of which the 'C' Summary Report is filed.

5. In the above circumstances, we find substance in the allegations made by the petitioner against the police personnel. Considering the manner in which the investigation is carried out, and the seriousness of the allegations made in the petition and the fact that the 'C'

Summary Report was filed hurriedly during the pendency of the petition, we transfer the investigation of the subject crime to the Crime Branch, Unit IX. Mumbai.

6. We also direct the learned Metropolitan Magistrate, 21st Court, Bandra, Mumbai, not to act upon the 'C' Summary Report filed by the Santa Cruz Police Station in C.R.No.457 of 2014. The Investigating Officer of Santa Cruz Police Station is directed to hand over the investigation papers of C.R.No. 457 of 2014 to the Crime Branch. Unit IX, Mumbai, within one week.

7. The Crime Branch, Unit IX, Mumbai shall expeditiously investigate into the matter and file appropriate report before the appropriate Court. Subject to the above, the petition is disposed of.

8. All concerned, to act upon an authenticated copy of this Order.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)