

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

**WRIT PETITION NO. 3703 OF 2014**

Saket Kumar Dwivedy.

..Petitioner.

**Versus**

State of Maharashtra & Another.

..Respondents.

Mr. Kanishk Jayant, Mr. Akshay Matirya, Aditya Mishra for the  
Petitioner.

Mr. J. P. Yagnik, APP for the State.

Mr. Aniket Nikam for Respondent No. 5 and 7.

Coram : Ranjit More &  
A. S. Gadkari, JJ.

Date : **August 2, 2017.**

**P. C. :**

1. The petition is filed seeking transfer of investigation of the FIR bearing CR. No. I-97 of 2014 registered with Rabale Police Station, Navi Mumbai.

2. Mr. Yagnik, the learned APP on instructions makes a statement that subject FIR was investigated and thereafter on 25<sup>th</sup> June 2014 charge-sheet was filed before the concerned JMFC for the offence punishable under sections 306, 498A, 507, 504 read with 34 of the Indian Penal Code, 1860; the proceedings were subsequently committed and are numbered as Sessions Case No. 34 of 2015. He further states that charges are already framed against the accused.

3. In above circumstances, we are not inclined to entertain the Petitioner's prayer for transfer of investigation. Writ petition is without any merit. We, therefore, dismiss it.

4. The learned Counsel appearing for the Petitioner submitted that subsequent to his release on bail, Respondent No. 5 hacked the email account of his deceased wife and therefore he has committed an offence. He however does not dispute that the Petitioner has filed private complaint before the Magistrate in that regard. At any rate, subsequent acts of Respondent No. 5 cannot be made ground for transfer of investigation.

5. In view of the disposal of the main writ petition, applications taken out in this writ petition, namely, Criminal Application No. 467 of 2014 and 40 of 2017 do not survive for consideration and the same are accordingly disposed of.

**[A. S. GADKARI, J.]**

**[RANJIT MORE, J.]**