

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3792 OF 2016

Santlal Gupta s/o. Jamunprasad Gupta	]	
& Anr.	]	... Petitioners

Versus

The State of Maharashtra & Ors.	]	... Respondents
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Mr. C. J. Joveson i/b Mr. V. N. Upadhye for Petitioners.
Mr. J. P. Yagnik, APP for State.

CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.
DATE :- 12 JULY, 2017

P. C. :-

1. The learned Advocate for the petitioners, at the outset, makes a statement that he is not pressing this petition for the relief of transfer of investigation of the subject FIR. The statement is accepted.

2. The dead body of the son of the petitioners was found on 26/01/2015. The police, thereafter, registered the FIR bearing C.R.No.33 of 2015 for an offence punishable under Section 304(A) of the IPC and under Sections 134(A)(B) of the Motor Vehicles Act. Subsequently, it was revealed that the petitioners' son was murdered and accordingly Section 302 of the IPC was applied to the subject FIR.

Subsequently, Section 304(A) of the IPC and Sections 134(A)(B) of the Motor Vehicles Act were deleted from the subject FIR.

3. During the investigation, the police suspected three persons out of which one Sandip Laxman Lad was arrested and charge-sheet was filed against him. The other two accused are wanted in this case.

4. Mr. Yagnik, the learned APP for State, states that the concerned PI of Vanrai Police Station is making sincere and impartial inquiry and further investigation under Section 173 (8) against the wanted accused is going on; and seeks time to apprehend the remaining two accused. The learned Advocate for petitioner, however, expressed his dissatisfaction about the investigation carried out so far.

5. In the light of the statement of Mr. Yagnik, we are not inclined to transfer investigation of the subject FIR and direct that the DCP, Zone XII, Mumbai shall supervise the further investigation.

6. Ordered accordingly.

7. Subject to above, the petition is dismissed.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)