

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4582 OF 2015

Pintoo Sharma & Anr.	...	Petitioners
Vs.		
The State of Maharashtra, Through the Secretary, Home Department, Mantralaya, Mumbai & Ors.	...	Respondents

Mr. Nitin Sejpal, i/by Mayura Maru, for the Petitioners.

Ms. S.D. Shinde, A.P.P., for the Respondent-State.

Mr. Y.M. Nakhwa, A.P.P., for Respondent No.8-CBI.

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

DATE : 2ND FEBRUARY 2017.

P.C. :

1. Heard.
2. This Petition is filed seeking direction to transfer the investigation of C.R. No.216 of 2015, registered with Gamdevi Police Station, for the offences punishable under Sections 448, 452, 465, 467, 468, 471, 474, 506, 120B r/w. Section 34 of IPC. The transfer is sought only on the ground that investigation has not progressed.

3. Learned A.P.P., having taken instructions, makes a statement that, after registration of the said C.R. by Gamdevi Police Station, four persons were arrested, but subsequently released on bail by the Court of competent jurisdiction. The investigation could not be progressed further, because allegations have been made in respect of the Will, which is filed in the Testamentary Petition No.1698 of 2015 pending before this Court and the said Will is in the custody of this Court.

4. Learned A.P.P. further states that once the said Will is made available, the same would be sent to the Handwriting Expert. She further states that the Investigating Officer has already made an application for handing over the original Will, in order to send the same to the Handwriting Expert. The said application is pending. She submits that, as soon as the Will is handed over to the Investigating Agency, the same would be sent to the Handwriting Expert and upon obtaining report thereon about its genuineness or otherwise, Charge-Sheet / appropriate report would be filed before the concerned Court. These statements are accepted.

5. In the above circumstances, in our view, no case is made out for transfer of investigation. Petition, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]