

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**  
**CRIMINAL WRIT PETITION NO. 4232 OF 2016**

Kishore Kakumal Keswani .....Petitioner  
versus  
The State of Maharashtra and ors. ....Respondents

Mr. Subhash Jha i/b. Law Global Advocates for the petitioner.  
Mrs. Aruna S. Pai, APP for the State.

**CORAM : RANJIT MORE &  
SARANG V. KOTWAL, JJ.**

**DATE : 4<sup>th</sup> JULY, 2017.**

**P. C. :**

Head Mr. Jha, learned counsel for the petitioner and Mrs. Pai,  
learned APP for the State.

2. The petition is filed for the following reliefs :

*a) that this Hon'ble Court may be pleased to call for the investigation papers concerning FIR No.487/2016 from Sakinaka police station and after examining the legality, validity and propriety of the same being in vogue, the Respondents be directed to add sections 341, 384, 120-B of Indian Penal Code in the said FIR and similarly they be further directed to add the names of Hero Kewalramani, Anil Rajwani, Suresh Thakkar @ Mahesh Tanna and other four unknown persons involved in the crime, in the first information report;*

b) *that this Hon'ble Court upon perusal of FIR No.487/16 of Sakinaka police station and the perfunctory and lackadaisical manner in which the investigation so far has been conducted by Saki Naka police station, may be pleased to transfer investigation of the FIR to Central Bureau of Investigation or DCB, CID, Crime Branch, Mumbai and/or such other investigating agency as this Hon'ble Court may deem fit and proper and they be further directed to complete investigation with such measurable time as this Hon'ble Court may deem fit and proper;*

c) *in the alternative but without prejudice to prayer clause (b) above, this Hon'ble Court may be pleased to direct the Respondent No.1 and 2 to constitute an SIT comprising of investigating officers drawn from different investigating agencies/police stations and they be directed to take over investigation of FIR No.487/16 of Sakinaka police station forthwith and they be directed to complete the investigation within such measurable period of time with direction to them to make use of such modern gadgets and technology as may be deemed necessary to trace and find out the absconding accused, including that of issuing look out notices against them for their apprehension, not only at international airports in the country so so also local airports as well;"*

2. The FIR bearing CR No.487 of 2016 is registered at the instance of the petitioner for the offences punishable under Sections 465, 468, 471, 473 and 506 of the Indian Penal Code, 1860 (for short "the IPC.") and Section 192 of the Motor Vehicles Act.

3. Perusal of the FIR itself discloses that one CR No.17 of 2016 is registered against the petitioner at Goa at the instance of one Smt. Tulika Katore for the offences punishable under Sections 328 and 376 of the IPC. The FIR further reveals that on the date of the incident i.e. on 6<sup>th</sup> March, 2016 at about 9.30 a.m., the police personnel from Goa Police Station where the said CR was registered came in the jurisdiction of Sakinaka Police Station to arrest the petitioner. The FIR further reveals that at that time, the petitioner was going to Chandivali Mhada Market from his residence at Powai in his car being Ford Eco Sport bearing No. MH-05-BS-3908. He noticed that he was being followed by one Innova car bearing No.MH-05-AX-9808. This Innova car was driven by one unknown person, and Hero Kewalramani, the brother-in-law of Anil Jaisinghani was sitting next to the driver, and Mr. Tirtharaj Mahamal and Suhas Joshi, police personnel from Goa, in civil clothes, were sitting in the middle seat. The FIR further discloses that one white Maruti Ertiga Car bearing No. GJ-06-FC-6321 driven by Mr.Anil Jaisinghani came in front of the petitioner's car and dashed his car. In

the back seat of the said car, Mr. Mahesh Kerkar, Police Sub-Inspector from Goa was sitting in civil clothes. Thus, the allegations, in short, are that the petitioner was unlawfully restrained from going anywhere by these two cars.

4. The learned APP has placed for our perusal the Station Diary Entry No.1200. This entry shows that the petitioner was brought to Sakinaka Police Station and was taken by the concerned officers of the Goa Police in CR No.17 of 2016.

5. In the above facts and circumstances, in our view, though the FIR discloses allegations about unlawful restraint of the petitioner, it appears that the petitioner was restrained by the Goa Police in CR No.17 of 2016 registered in Goa. So far as the petitioner's grievance that Section 384 of the IPC is not added to the FIR is concerned, we find that there are no allegations in the FIR that the petitioner was dishonestly induced or put in fear to deliver any property or valuable security or anything signed or sealed to any person.

6. This takes us to consider the petitioner's request to transfer the investigation to any other independent agency or form SIT. We asked the learned APP about the progress of the investigation into the

subject FIR. The learned APP, on instructions, submitted that the investigation into the subject FIR is being carried, however, the accused is absconding and, therefore, cannot be apprehended. She stated that sincere efforts are being made to apprehend the accused and, thereafter, charge-sheet or appropriate report would be filed in the concerned Court. The statement is accepted.

In the light of the above, we are not inclined to transfer the investigation or form SIT. Suffice it to direct that the investigation into the subject FIR would be supervised by the Assistant Commissioner of Police, Sakinaka Division. Ordered accordingly.

7. In view of the above, no case is made out for interference. The writ petition is, accordingly, dismissed.

**(SARANG V. KOTWAL, J.)**

**[RANJIT MORE, J.]**