

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.4360 OF 2016

Smt. Khatunbi Abdul Razzak Mulla ..Petitioner
Versus
The State of Maharashtra and ors. ..Respondents

Mr. Satyaram R. Gaud, advocate for the petitioner.
Mrs. M. M. Deshmukh, APP for the State.

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

DATE : 23rd JANUARY, 2017.

P. C. :

The petition is filed seeking direction to respondents to transfer the investigation of CR.No.235 of 2016 from Pant Nagar Police Station either to State -CID or to any other independent competent investigating agency.

2. Ms. Deshmukh, learned APP, having taken instructions from the Investigating Officer who is present before the Court, makes a statement that the subject CR was investigated and statements of the eye witnesses were recorded and the Investigating Officer has come to the conclusion that the same does not disclose commission of cognizable offence. She also states that the Investigating Officer has

proposed to file NC Final. In view of the statements, we are not inclined to entertain the petition in exercise of jurisdiction conferred upon this Court under Article 226 of the Constitution of India inasmuch as the petitioner is always at liberty to contest the said NC Final before the magistrate. The writ petition is, accordingly, dismissed.

3. Needless to mention that the learned magistrate shall dispose of the said NC Final independently on its own merits after hearing all concerned without being influenced by this order.

(DR. SHALINI PHANSALKAR-JOSHI)

[RANJIT MORE, J.]