

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.4568 OF 2016**

Shri Dilip Ramchandra Shinde

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. Shriram S. Kulkarni i/b. Mr. Devidas J. Jadhav for the Petitioner.
Dr. F.R. Shaikh, APP for the Respondent Nos.1 to 5-State.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 7th MARCH, 2017.

P.C.:-

The prayer made by the Petitioner in this Petition under Article 226 of the Constitution of India is for transfer of investigation of the First Information Report bearing C.R. No.183 of 2011 registered with Baramati City Police Station. The Petitioner is admittedly neither the first Informant nor a victim of the alleged offence. He claims to be a Journalist. The Investigating Officer filed a final report claiming 'C' summary. The present Petitioner had purported to file a protest petition. The learned Judicial Magistrate, First Class, Baramati, rejected the protest petition by the order dated 7th December, 2015. According to us the protest Petition was rightly rejected. The learned Judge has rightly observed that the Petitioner has no locus to file a protest petition.

2. However, by a separate order passed on the same day, the learned Magistrate rejected the final report claiming 'C' summary and directed the Investigating Officer to conduct further investigation. The first prayer made in the Petition is for transfer of investigation. The second prayer is for directing the State Government to take action against the Respondent Nos.2 to 4/ Police Officers. The second prayer is as vague as possible.

3. Admittedly, as the Petitioner is neither a victim of the offence nor the first Informant, this Petition at the instance of the Petitioner cannot be entertained.

4. In fact, the protest petition filed by the Petitioner was rejected by the learned Magistrate by the order dated 7th December, 2015 holding that he had no locus and that the said order was not challenged by the Petitioner.

5. Hence, we decline to entertain this Petition at the instance of the Petitioner. However, we make it clear that we have made no adjudication on the merits of the investigation carried out in connection with the First Information Report.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)