

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 403/2017

(YUVRAJ BHAIYAJI NASRE **VERSUS** STATE OF MAHARASHTRA, PSO, PS GITTIKHADAN, NAGPUR & ANR)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri R.M. Daga, counsel for the petitioner.
 Shri P.S. Tembhare, A.P.P. For the respondents.

CORAM : SMT. VASANTI A NAIK AND
M.G. GIRATKAR, JJ.

DATE : SEPTEMBER 13, 2017.

By this writ petition, the petitioner seeks a direction to transfer the investigation of C.R. No.259 of 2016 registered in Police Station Gittikhadan to some other independent investigating agency.

It is stated on behalf of the petitioner that the son of the petitioner by name Ajinkya had met with an accident due to the rash and negligent driving of a police van by the police constable. It is stated that the respondents are helping the driver of the police van as he is a police constable. It is stated that the driver of the police van, i.e. the police constable had wrongfully filed a false report in the police station in regard to the death of Ajinkya due to the dash of the motorcycle on the divider and a cow.

Shri Tembhare, the learned Additional Public Prosecutor appearing for the respondents, states that the respondents would not spare the police constable merely because he works in the police department. It is stated that the respondents have not only registered the offences punishable under Section 279, 338 and 304-A of the Penal Code against the police constable but, the offences punishable

under Section 199, 200, 202 and 203 of the Penal Code are also registered against him.

We find that during the pendency of the criminal writ petition, the necessary offences are registered against the police constable by the respondent no.3. It would therefore not be necessary to handover the investigation in the said matter to any other investigating agency, more so when the police constable against whom, the action was sought through an independent agency is not joined as a party respondent to the criminal writ petition. When the necessary offences are now registered against the police constable, it would be necessary to dispose of the criminal writ petition.

Hence, we dispose of the same with no order as to costs.

JUDGE

JUDGE

APTE