

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 686 OF 2016**

Shailesh Babubhai Waghela	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

Ms. Gulestan M. Dubash i/b Mr. Durgesh Jaiswal and Ms. Sartaj Shaikh for the Petitioner

Mr. K. V. Saste, A.P.P for the Respondent Nos. 1 & 2-State

PI Mr. Ashok Gaikwad from V. P. Road Police Station, is present

***CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.
MONDAY, 11th JUNE, 2018***

P.C. :

1 The above Petition has been filed for transfer of investigation from the V. P. Road Police Station to Crime Branch, CID, Mumbai. This relief was founded on the fact that the arrest of the Respondents 5 and 6 was not being effected. This Court, on the last occasion i.e. on 2nd May, 2018, had accordingly deferred the hearing of the above Writ Petition to today (wrongly mentioned in the order as 10th June 2018).

2 Today, the learned A.P.P Mr. K. V. Saste, on instructions of the Investigating Officer Mr. Ashok Gaikwad, Police Inspector, V. P. Road Police Station, states that the Respondent No. 5, who is the husband of the Respondent No. 6 has been arrested. Insofar as, the Respondent No. 6 is concerned, the learned A.P.P states that the allegation against her in the FIR is that she was present when talks in respect of the sale of flat to the Petitioner were held. He further states that no overt act as such has been attributed to the Respondent No. 6. Hence, insofar as the Respondent No. 6 is concerned, the learned A.P.P states that it would be contingent upon the role of the Respondent No. 6 that would be revealed during investigation that a decision would be taken to effect her arrest or not.

3 We, by accepting the said statement and having regard to the relief sought in the above Petition, dispose of the above Petition.

REVATI MOHITE DERE, J.

R. M. SAVANT, J.