

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1572 OF 2018**

Mr. Sudeep Mahendra Shah

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

**Mr. Abad Ponda a/w Mr. Abhay Dhadiwal i/b Jayakar & Partners for the
Petitioner**

**Mr. Deepak Thakare PP a/w Mr. Avinash Kamkhedkar Addl PP for the
Respondent State**

**CORAM :R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 28th JUNE, 2018**

PC.

1 The above Writ Petition has been filed seeking transfer of investigation of FIR bearing No.145 of 2015 registered with the Gamdevi Police Station, Mumbai for the offences punishable under Section 380, 454, 457 and 34 of the IPC. The Petitioner had also filed a Writ Petition No.655 of 2016 making a grievance that the investigation was not properly carried out and Section 380 were deleted from the charge sheet. A Division Bench of this Court N. H. Patil and A. M. Badar JJ, by order dated 15-3-2016 had disposed of the said Petition by observing that the Petitioner may make a comprehensive application to the higher authorities. It was further observed that the authorities concerned would look into the grievance of the Petitioner. In terms of the said order the Petitioner in fact made a comprehensive application to the higher authorities i.e. the Deputy Commissioner of Police, Zone-II, Mumbai

who was one of the officers to whom the said representation was made. The said representation it seems was taken up for consideration by the Deputy Commissioner of Police Zone-II, Mumbai who in turn it seems directed the Inspector of Police to look into the grievance of the Petitioner and the Inspector of Police, we are informed arrived at a conclusion that there was no need for carrying out any further investigation or for incorporating Section 380 in the charge sheet.

2 We on the last occasion expressed our displeasure at the manner in which the order dated 15-3-2016 was sought to be complied with by the higher police authorities. We expressed that it would be better that the said comprehensive representation of the Petitioner is denovo considered by the Deputy Commissioner of Police Zone-II, Mumbai, who is now a new incumbent than one who was there when the order dated 15-3-2016 was passed by the Division Bench.

3 Upon this the Learned GP Mr. Thakare on instructions of the Deputy Commissioner of Police, Zone-II, Mumbai Dr. Dnyaneshwar Chavan who is personally present in Court, makes a statement that the representation of the Petitioner would be considered by the Deputy Commissioner of Police Zone-II, Mumbai. Statement accepted. If the Deputy Commissioner is of the opinion that further investigation or inclusion of further charges are necessary,

a report to the said effect would be filed in the concerned court with intimation to the Petitioner.

4 With the directions as aforesaid the Writ Petition is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]