

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1741 OF 2017

Jeetan Rajaram Gaikwad : Petitioner.
Versus
State of Maharashtra and ors. : Respondents.

Mr. Rajendra Sorankar for the Petitioner.
Mr. Avinash Kamkhedkar, Addl. PP for the Respondent/State.
IO – API Shri A A Patil, Mahad MIDC Dist. Raigad Police Station present.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 03rd AUGUST 2018

P.C.

1 The above Writ Petition has been filed for transfer of investigation to the local crime branch and/or Economic Offences Wing (EOW). The transfer is sought on the ground that the financial implications in the instant case are more than Rs.One Crore which is the limit up to which the local police station can investigate into a crime. Since the financial implications in the present case being more than Rs. One Crore, it ought to have been transferred to the concerned crime branch/EOW.

2 The relief sought in the above Writ Petition is founded on the fact that a circular has been issued by the Director General of Police to the said effect. The gist of which circular, the Petitioner states, has been affixed outside the office of the Superintendent of Police, Raigad.

3 Having regard to the said position, we had therefore directed the Investigating Officer and the Superintendent of Police, Raigad to file their affidavits as to what steps were taken to transfer the investigation and why the investigation was not transferred to EOW. Both the Investigating officer viz. Shri Abasaheb A Patil – Assistant Police Inspector attached to Mahad, MIDC Police Station and the Superintendent of Police, Raigad viz. Shri Anil Paraskar have filed their affidavits which are both dated 01/08/2018 and affirmed in the District Court at Alibag. In so far as the affidavit of the Investigating Officer is concerned, he has stated that he was transferred to the Mahad, MIDC Police Station and assumed charge on 12/06/2017 as Police Station In-charge. It is further stated in the said affidavit that the major part of the investigation was done by his predecessor. It is further stated that vide his report dated 08/11/2017 to the Superintendent of Police, Raigad he had sought transfer of investigation to the EOW. It is further stated that the Superintendent of Police, Raigad vide his letter dated 09/11/2017 rejected his request. He has further stated that during the pendency of the investigation, the above Writ Petition came to be filed and was pending and during its pendency, that the investigation came to be transferred to the EOW, Raigad by order dated 10/07/2018 passed by the Superintendent of Police, Raigad.

4 In so far as the Superintendent of Police, Raigad is concerned, he has dealt with the aspect as to why the investigation has not been transferred

to the EOW, he has stated in the affidavit that on account of the shortage of man power in EOW at the relevant time, he did not deem it fit to transfer the investigation to the EOW and directed the investigation to be continued by the Mahad, MIDC Police Station. He has further stated that the EOW is overburdened with 11 serious complicated offences being investigation by it, the list of which is appearing in the tabulated form. He has further stated that in the facts and circumstances, he has deemed it fit to exercise his discretion not to transfer the investigation to the EOW.

5 Having regard to the contents of the said affidavits, we are satisfied that there are justifiable reasons mentioned by the Superintendent of Police, Raigad for not transferring the investigation to the EOW at the relevant time. In so far as the Investigation Officer is concerned, as indicated above, he has mentioned that he reported to the Superintendent of Police, Raigad to transfer the investigation but the said request was turned down and the reasons for which are appearing in the affidavit filed by the Superintendent of Police, Raigad.

6 The learned Additional Public Prosecutor on instructions of Shri Lalwani from the office of the Director General of Police confirms that in so far as the EOW in the District is concerned, it comes under the concerned District Superintendent of Police. We are, however, informed that a post of Additional

Director General of Police, EOW has been created recently and the Additional Director General of Police would therefore be overall incharge of the EOWs in the State of Maharashtra.

7 In view of the fact that the investigation now stands transferred to the EOW, Raigad, the grievance of the Petitioner in so far as the transfer of investigation is concerned stands assuaged. It is not necessary for us therefore to keep the above Writ Petition pending. We clarify that we have only gone into the aspect of the transfer of investigation which was sought by the Petitioner by way of the above Writ Petition and have not gone into the other aspects for which the Petitioner would be at liberty to take appropriate recourse. The above Writ Petition is accordingly disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

Digitally signed by
Laxmikant Gopal
Chandan

Date: 2018.08.06
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