

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2255 OF 2018**

Mr. Satish Vasant Lalbige

..Petitioner

Vs.

The State of Maharashtra & Ors

..Respondents

Mr. R. D. Patil for the Petitioner

Mr. Deepak Thakare GP for the Respondent State

Mr. Basavaraj Teli DCP, Zone-I, Pune City

Mr. Rajendra Kadam Sr. P I. Crime Branch, Pune City

CORAM :R. M. SAVANT, &

REVATI MOHITE DERE,JJ

DATE : 5th JUNE, 2018

P.C.

1 Not on board. Mentioned for urgent orders.

2 The above Writ Petition has been filed inter alia for the reliefs which appear in prayer clauses (a) to (d) of the said Petition. Amongst the relief sought is the relief to transfer the investigation into FIR bearing No.0077 of 2018 dated 16-4-2018 registered under Section 363 r/w 34 of IPC to the CID, Pune or Crime Branch Pune. Another relief sought is a direction to take action against the Respondent Nos.5 to 6 for not performing their duties.

2 It is required to be noted that the FIR was registered with the Faraskhana Police Station, Pune. The above Petition has been filed by the father of the girl who has been kidnapped namely Shivani Lalbige. The Petition was moved before the Vacation Court on 25-5-2018 and was

adjourned to 26-5-2018, in view of the fact that the Police Officers mentioned in the order dated 23-5-2018 were not present. On 26-5-2018 the Joint Commissioner of Police Pune Mr. Ravindra Kadam was present in Court who informed the Court that the investigation has been transferred to Crime Branch, Pune and that success in respect of tracing Shivani was expected. In view of the transfer of investigation the Investigating Officer has also changed. The Division Bench recorded the statement of the Joint Commissioner of Police in respect of the allegations made against the Investigating Officer Mr. Chavan who was conducting the investigation from 16-4-2018 to 15-5-2018. The Division Bench accordingly adjourned the above Petition to 5-6-2018 i.e. today with the hope that positive results in the matter are expected at the earliest.

3 Today the above Petition was not listed, however, the Learned Government Pleader Mr. Thakare mentioned the matter post the lunch recess for being taken up in view of the fact that the victim girl Shivani was traced and is in the custody of the police. We accordingly acceded to the request of the Learned Government Pleader and took up the matter in the afternoon session. As indicated above Shivani the victim girl has been traced and is in custody of the police, the Learned Counsel appearing for the Petitioner informed us that the Petitioner and his wife i.e. the parents of Shivani are ready to take back Shivani in their custody. We accordingly deem it appropriate to interact with Shivani in our Chamber to ascertain her view

point. On such interaction Shivani disclosed to us that she is ready to go back to her parents. In view of the desire expressed by the victim girl Shivani, we direct the officers of the Crime Branch to take Shivani to Pune and hand over her custody to her parents. The Learned Government Pleader further informed us that though FIR has been originally registered for the offences punishable under Section 363 and 34 of the IPC, the police have invoked Section 366(A), 376, 212, 109 and provisions of Sections 3, 4, 5, 6, 7, 8, 16 & 18 of the POCSO Act. The Learned Government Pleader informed us that the investigation would accordingly be carried out. In so far as the inquiry against the Investigating Officer Mr. Chavan who had investigated into the FIR from 16-4-2018 to 15-5-2018, the Learned Government Pleader has tendered a report in a seal cover. We take the report on record. We would peruse the report in our chamber and if deem fit we would place the matter for directions if necessary.

4 In the light of the aforesaid, the grievance of the Petitioner i.e. the father of the victim girl Shivani, can be said to have being assuaged. There is therefore no warrant to keep the above Petition pending. With the hope and trust that the Crime Branch, Pune would carry out appropriate investigation, we dispose of the above Petition.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]