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

WRIT PETITION NO. 2150 OF 2016

Yogesh Natwerlal Thakkar ... Petitioner

Versus

State of Maharashtra & ors. ... Respondents

**WITH
CRIMINAL APPLICATION NO. 403 OF 2016
IN
WRIT PETITION NO. 2150 OF 2016**

Ms. Vaidehe Vadgama & anr. ... Applicants

In the matter between

Yogesh Natwerlal Thakkar ... Petitioner

Versus

State of Maharashtra & ors. ... Respondents

**WITH
CRIMINAL APPLICATION NO. 383 OF 2016
IN
WRIT PETITION NO. 2150 OF 2016**

Mukesh Sarda ... Applicant

In the matter between

Yogesh Natwerlal Thakkar ... Petitioner

Versus

State of Maharashtra & ors. ... Respondents

**WITH
CRIMINAL APPLICATION NO. 415 OF 2016
IN
WRIT PETITION NO. 2150 OF 2016**

Mr. Devendra Singh Dewal ... Applicant

In the matter between

Yogesh Natwerlal Thakkar ... Petitioner

Versus

State of Maharashtra & ors. ... Respondents

Mr. A. V. Anturkar, Senior Advocate, a/w Mr. Sugandh Deshmukh, Mr. Ajinkya Udane, for the Petitioner.

Mr. Ravi Kadam, Senior Advocate, a/w S. R. Nargolkar, Karan Kadam, i/b M. S. Gaya, for the Intervener/Applicant in APPW No.383/2016.

Mr. Mahesh Jethmalani, Senior Advocate, i/b Ms. A. Usman, Intervener/Applicant in APPW No.403/2016.

Mr. A. Sakhare, Senior Advocate, i/b Pawan Mali, Intervener/Applicant in APPW No.415/2016.

Mrs. Sangita Shinde, APP for the Sate.

Mr. Sandesh Patil, a/w Anusha Amin, for Respondent no.6/ED.

Ms. Subhdha D. Khot, for Respondent no.7/CBI.

Mrs. Swati Desai, P.I., EOW, Pune, present.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, J J.**

DATE : 11th OCTOBER, 2018.

P.C.:-

1. Heard the learned Counsel appearing for the parties. The Petition is filed for seeking direction to Respondent to transfer investigation of FIR bearing CR No.149 of 2013, to CBI. It is to be noted that earlier investigation of this FIR was transferred to EOW.

2. Mrs. Shinde, the learned APP, on instructions of concerned Investigating Officer, who is present in Court, makes a statement that the investigation of the said FIR is complete and thereafter Investigation Officer has filed 'C' Summary Report before the concerned Magistrate. In support of her submission, she placed on record 'C' Summary Report dated 27th September, 2018.

3. Mr. Anturkar, the learned Senior Advocate for the Petitioner and Mr. Jethmalani, the learned Senior Advocate for one of the interveners, submit that the investigation of the said FIR was supervised by this Court by the interim orders passed time to time especially interim order dated 12th July, 2018, and that the said orders are not complied with by the Investigating Officer and mechanically 'C' Summary Report is filed. We do not find merit in this contention. The fact

remains that though the Petitioner sought transfer of investigation of proceedings, this Court has not granted the prayers. The Court has heard the matter from time to time and passed interim orders giving some directions to the Investigating Officer. After perusal of the 'C' Summary Report, we find that the directions given by this Court by way of interim orders are complied with and thereafter the material on the record is analysed and the Investigating Officer has taken a decision to file 'C' Summary Report.

4. The Petitioner as well as the Intervener in this behalf are at liberty to approach the Magistrate if they are aggrieved by filing of Summary Report. They can avail of the alternative remedy available.

We are, therefore, not inclined to entertain this Petition in exercise of Article 227 of the Constitution of India. The petition is dismissed, accordingly. No order as to costs.

5. In view of the dismissal of the Writ Petition, the Criminal Applications do not survive and are disposed of accordingly.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]