

IN THE HIGH COURT OF BOMBAY AT GOA**CRIMINAL WRIT PETITION NO. 197 OF 2019**

SURENDRA SINGH.

... Petitioner

VersusSTATE OF GOA, THR. PUBLIC
PROSECUTOR AND ANR.

... Respondents

Mr. Ashok Kumar Singh and Mr. Naresh Kumar Gaur, Advocates for the
Petitioner.

Mr. M. Amonkar, Addl. Public Prosecutor for the Respondents.

**Coram:- M. S. SONAK &
NUTAN D. SARDESSAI, JJ.**

Date:- 11th November, 2019

P.C.

Heard Mr. Ashok Kumar Singh, learned counsel for the
Petitioner and Mr. M. Amonkar, learned Addl. Public Prosecutor for the
Respondents.

2. The Petitioner, seeks transfer of investigation in the FIR
No.85/2019 dated 2nd June, 2019 lodged at Vasco Police Station to the
Central Bureau of Investigation (CBI) in connection with murder of
Petitioner's son on 2nd June, 2019.

3. Mr. Ashok Kumar Singh, learned counsel for the Petitioner

points out that there is material on record to indicate that the murder took place some time at midnight. However, the Respondents have made reference to some interaction at 4.30 a.m. by the accused with some other person. He submits that such interaction has not been probed further by the Respondents. He further points out that there is material to indicate that the video recording was also done by the accused person on the night of 2nd June, 2019 at 2.30.28 hours. He submits that this important evidence is not a part of the charge-sheet which was filed after the institution of the present petition. He submits that this is sufficient to conclude that no proper investigations have been carried out in the matter and therefore, the investigation should be transferred to the CBI.

4. Mr. Amonkar, points out that the charge-sheet has already been filed in the matter. He points out that the proper investigations have been carried out and relevant panchanamas have been attached to the charge-sheet. He points out that this is not a fit case to warrant transfer of investigation to the CBI.

5. Upon due consideration of the submissions made by Mr. Ashok Kumar Singh and upon perusal of whatever record that is placed before us including, an attachment panchanama dated 12th June, 2019, which is now handed over to us, we are not satisfied that this is a fit case where the investigation should be transferred to the CBI.

6. In the first place, the learned Addl. Public Prosecutor pointed out that the attachment panchanama dated 12th June, 2019, is very much part of the charge-sheet. That apart, by merely pointing out some alleged lapses or lacunae, the plea cannot be made for transfer of investigation to the CBI.

7. On the basis of the submissions made on the material produced, no case is made out for transfer of investigation. Besides, we note that if some further material is indeed available, nothing bars the prosecution from even filing the supplementary charge-sheet or producing additional material on record by seeking appropriate leave.

8. For the aforesaid reasons, this petition is dismissed. There shall be no order as to costs.

NUTAN D. SARDESSAI, J.

M. S. SONAK, J.

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