

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1246 OF 2019

Shamrao Vithal Teware

..Petitioner.

Versus

State of Maharashtra.

..Respondent.

Mr. P. M. Jadhav i/b S. A.Rajeshirke for the Petitioner.

Mr. K. V. Saste, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **June 17, 2019.**

P. C. :

1. The petition is filed through prison seeking transfer of investigation in the FIR bearing CR.No.158 of 2018 registered with Bhuinj Police Station for the offence punishable under sections 384, 385, 386, 387 and 364A of the Indian Penal Code, 1860 read with 3(1)(ii), 3(2), 3(4) of the MCOC Act, 1999.

2. The Petitioner contends that false FIR is filed against him. It is pertinent to note that investigation into this FIR is completed and charge sheet is already filed. We also find that it is settled position in law that investigation into an offence cannot be transferred at the instance of accused. We are, therefore, not inclined to accede to the Petitioner's prayer for the transfer of investigation.

3. The material on record discloses that the Petitioner threatened to go on indefinite hunger strike and he once set on fire his own clothes. We, therefore, called report from the Chief Medical Officer,

Yerwada Central Prison. Such report was submitted on 20th March 2019. We have gone through the said report. The report shows that the Petitioner sustained 5 to 8% superficial burn injuries and proper medical treatment was given to him in Yerwada Central Prison as an indoor patient. In the circumstances, we find no substance in the allegation made in the writ petition. The petition is, therefore, dismissed.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]