

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

CRIMINAL WRIT PETITION NO.213 OF 2019

International Cuisines through Partner

Niranjan D. Shah

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Ajay K. Singh for the Petitioner.

Mr.Deepak Thakre, PP a/w Mr. K. V. Saste, APP for the Respondent-State.

Mr. Sopan H. Kakad, PI, V.P. Marg Police station, Mumbai.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 23/01/2019.**

P.C.:

. Learned counsel for the petitioner states that request to transfer investigation in MECR No.10/2013 registered on 24/1/2013 forms subject matter of Writ Petition No.424/2014. The Division Bench on 23/3/2015 directed the Commissioner of Police to take suitable decision and the petition was disposed of. That decision is still not taken.

2. Learned APP upon instructions states that the order dated 23/3/2015 passed by this Court could not be communicated and therefore was not known to the Commissioner of Police. Hence no decision is taken till date. He assures the Court that within a period of 4 weeks appropriate decision will be taken.

3. Various questions arise. FIR registered on 24/12/2013 is under sections 339, 340, 341, 378 to 382 to 414, 390, 391, 392, 425, 506(II), 120(B) and 34 of IPC.

4. Period of more than 5 years has expired after registration of FIR and period of 4 years has expired after orders of this Court dated 23/3/2015. The police machinery could have submitted final report to the competent Court. That also has not been done.

5. In this situation, we direct that investigation in said FIR be transferred to DCP Crime Branch, Mumbai. The petitioner to communicate this order to that Department. We direct Investigating Officer to transfer papers forthwith to that department. The petition is accordingly allowed and disposed of.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)