

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1580 OF 2017

Lawrence s/o. Francis Fernandes ... Petitioner

Versus

State of Maharashtra and Ors. ... Respondents

Adv Madhavi Ayappan i/by Mr. S.B. Talekar for the Petitioner.

Smt. A.S. Pai, APP for the respondent State.

**CORAM : B.P. DHARMADHIKAKRI &
REVATI MOHITE DERE, JJ.**

DATE : JANUARY 11, 2019

P.C.:

Perused orders passed by this court. In the earlier round of litigation and thereafter now in the present matter, orders passed on 31/8/2017, 12/09/2017 show the time given by this court to the respondents. Even on 12/09/2017 the matter was adjourned to 27/9/2017 when the court expected further status report from the Senior Inspector of Police. As grievance was made by the petitioner that the FIR itself was till then not sent to the court of JMFC, APP made a statement that it would be forwarded within one week. Thereafter on 23/1/2018 the matter was adjourned at the request of the learned APP to 6/2/2018. On 22/2/2018, this

court has passed the following order :

*“Mr.Yagnik, learned APP, on instructions from Mr. Pandit Thakre, Senior P.I, Bandra Police Station, states that further investigation in the matter is required. He further states that, if the Petitioner wants to give any further information, the Investigating Officer is willing to record his statement.
Stand over to 22/3/2018.”*

2. Thus on that date, the investigation agency communicated to this court a need of further investigation. On 6/6/2018 this court adjourned the matter to 13/06/2018 because petitioner was directed to file additional affidavit and bring some material on record. Time was then given to office of the Public Prosecutor to obtain instructions.

3. Till date, the investigation agency has not filed any reply or no status report in writing. Today also learned APP is handicapped because the IO is not available. It is reported that due to death in the family, he is on leave.

4. Thus material on record reveals that the petitioner has been making efforts since 2010 and till date, the Investigating Agency has not completed the investigation. The grievance made in the complaint of 2010 has been registered in the year 2015.

5. This petition is filed under section 482 by the petitioner and in it prayer is to transfer the investigation to some other agency. In

earlier petition, prayer was to issue direction to lodge FIR.

6. In this situation, we find it in the interest of justice that the investigation into the matter is transferred forthwith to respondent no. 4. We also direct that the officer of the rank of DCP to supervise the investigation done by the Crime Branch. Accordingly with the said direction and direction to respondent no. 3 to hand over all papers to respondent no. 4 within one week from today. We allow the writ petition and dispose it of.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)