

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

WRIT PETITION NO. 4097 OF 2018

Mr. Jagjitsingh Virk	Petitioner
v/s.	
The State of Maharashtra	...Respondent

Mr. Rajendra Sorankar for the petitioner.
Mr. F.R. Shaikh, APP for the State.

**CORAM: B.P. DHARMADHIKARI AND
SMT. ANUJA PRABHUDESSAI, JJ.**

DATE : 12th FEBRUARY, 2019

P.C.:

. Petitioner seeks change of investigation agency on the ground that there is deliberate inaction by the respondent – police station.

2. This Court has issued notice in the matter on 28/11/2018 and on 29/01/2019, last chance was given to respondent to file reply. Learned APP submits that nobody from said police station has contacted his office. After hearing learned counsel for petitioner, we notice that in relation to death of his father on 16/04/2018, the inquest panchanama conducted on that date, specifically mentions “no external injury”. The panchas and police then have found that old age was the reason for death. The present petitioner had reported to police in his statement recorded on 18/04/2018 that his father expired due to head injury. He

also states that when he saw dead body, it was having injury on front portion of head and left cheek. Similarly, three teeth on left hand side were broken. These injuries and facts do not form part of the inquest panchnama. In the statement to police, he has claimed that it was not a natural death and also given names of suspects.

3. It appears that spot panchanama is relied on 18/04/2018 and in it again the assertion of petitioner that his father suffered injury on head is mentioned. Further, panchanama records that that injury was due to fall.

4. The post mortem report in column 17 mentions *laceration of skin over forehead 10 cm x 4 cm and under scalp haematoma over forehead and frontal region of size 15 x 5 cm.*

5. Photographs at Exhibit – 'F' show injuries on forehead and also on left cheek.

6. In this situation, we find that request for transfer of investigation needs to be granted.

7. Accordingly, we make make over the investigation to Crime

Branch, Mumbai as suggested by the petitioner. We also feel that considering these developments, it would be appropriate that some senior officer supervises this case carefully.

8. With these directions and with liberty to the petitioner to approach again, we partly allow writ petition and dispose it of.

(ANUJA PRABHUDESSAI, J.)

(B.P. DHARMADHIKARI, J.)