

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1924 OF 2019

Deepak s/o. Jasraj Jain
Proprietor of Kushal Trading Company,
Age 35 years, Occ. Business,
R/o. Plot No.25, Mahalaxmi Nagar,
Shahada, Dist. Nandurbar.

.. Petitioner

Versus

1. The State of Maharashtra,
Through the Home Department,
Mantralaya, Mumbai – 32.
2. The Superintendent of Police,
Nandurbar.
3. The Sub Divisional Police Officer,
Nandurbar, Tq. & Dist. Nandurbar.
4. The Police Inspector,
City Police Station, Nandurbar,
Tq. Nandurbar, Dist. Nandurbar.

... Respondents

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Mr. B.R. Waramaa, Advocate for the Petitioner.
Mr. K.S. Patil, A.P.P. for the Respondent-State

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 15.01.2020

ORAL JUDGMENT :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The proceeding is filed for giving direction to hand over the investigation of Crime No. 396 of 2018 registered with City Police Station, Nandurbar to Local Crime Branch (L.C.B.) Nandurbar and which should be headed by a Senior Police Officer. The submissions made by both the sides show that one truck-load of wheat bags weighing 277 quintals which was worth Rupees Six Lakhs was stolen. This wheat was handed over for reaching it to its destination to Kerala State but then there was no communication between the driver, the person to whom the wheat was to be delivered and the informant who had loaded the wheat bags in the truck. Submissions made show that after giving of the F.I.R. only the owner of the truck was traced but anticipatory bail was granted to him. Submissions was made that the driver is not yet traced and due to that circumstance the wheat bags could not be traced. Submissions made show that the truck was found in Basavkalyan (Karnataka State). These days there are many ways to trace the location of the truck and at various points there are toll plazas with CCTV systems. On the basis of which it could have been ascertained as to where the truck was taken. The informants of the police could have certainly given information

about the place where the goods were offloaded. It is surprising that the incident took place in September-2018 and till today there is no clue about the whereabouts of the wheat bags and the driver. This circumstance is sufficient to infer that the investigation is going on at a snail's pace and it is not being carried fairly or competently.

3. This Court holds that the investigation needs to be transferred. This Court is hereby directing the Superintendent of Police, Nandurbar to see that the investigation is transferred to Local Crime Branch (L.C.B. Nandurbar) and the team is headed by some Senior Police Officer. The petition is allowed. Rule made absolute in those terms.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]