

**E HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
CRIMINAL WRIT PETITION NO. 909 OF 2021**

Somnath Raosaheb Mande
and others

... Petitioners

Versus

The State of Maharashtra
and another

... Respondents

....

Mr. Anirudh R. Hange, Advocate for the Petitioner
Mr. R.D. Sanap, APP for Respondent No.1 / State

....

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 20th OCTOBER, 2021

PER COURT:-

1. We have heard the learned counsel for the petitioner at length.

2. Learned counsel for the petitioner submits that only after the intervention of the SDPO Georai, the Chaklamba Police Station has registered crime no. 108 of 2021 for the offences punishable under Section 306 read with Section 34 of the Indian Penal Code, belatedly on 21.05.2021. Learned counsel for the petitioner submits that respondent no.2-Investigating Officer has not recorded the statement of the petitioners as per

their say. Respondent no.2-Investigating Officer has recorded the statement of the petitioners as per his wish and in fact he has not recorded the statement of the petitioners. Learned counsel submits that in view of the same, it is necessary to transfer the investigation of crime no.108 of 2021 to any other police station.

3. Learned APP submits that on the basis of the complaint dated 21.05.2021, the aforesaid crime came to be registered. Learned APP submits that statement of the petitioners came to be recorded during the investigation of the crime. The Investigating Officer has also effected the arrest of the accused by drawing the arrest *panchanama*. Learned APP submits that charge-sheet have been sent to the Head Office for approval and the charge-sheet will be submitted after approval is received.

4. We have carefully gone through the investigation papers. On perusal of the same, it appears that the Investigating Officer has not only recorded the statement of all the petitioners, but also recorded the supplementary statement of the petitioners. The petitioners have made the vague allegations that respondent no.2-Investigating Officer has not recorded the

unsel for the petitioner has failed to demonstrate as to what is the inconsistency in their statement recorded by the Investigating Officer in connection with the present crime. We find no substance in this writ petition. Accordingly, we proceed to pass the following order:-

ORDER

- (i) The criminal writ petition is dismissed.

[SHRIKANT D. KULKARNI]
JUDGE

[V. K. JADHAV]
JUDGE

S.P. Rane