

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

CRIMINAL WRIT PETITION NO. 1582 OF 2020

Rangnath s/o Tukaram Vaidya & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

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Shri. A. N. Nagargoje, Advocate for the petitioners
Shri. G. O. Wattamwar, APP for respondent/State

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**CORAM : T. V. NALAWADE
AND
B. U. DEBADWAR, JJ.
DATE : 20th January, 2021**

PER COURT : -

1. By this petition, the prayer is made to transfer the investigation of Crime No. 340/2017 registered with Ambad Police Station to other Investigating Agency.

2. Today, learned APP has produced on record a communication dated 19.01.2021 issued by Police Inspector of Ambad Police Station, Ambad and it shows that, in Crime No. 340/2017, they have filed 'B' summary report in the court of Judicial Magistrate First Class, Ambad. Thus, apparently police completed the investigation and filed 'B' summary report and due to that this court cannot transfer the investigation of Crime No. 340/2017.

3. Shri. Nagargoje, learned counsel for the petitioners submitted that, Crime No. 340/2017 was registered on the basis of

complaint of one shop owner to whom cotton was handed over by farmers. He submitted that, the real sufferers/victims are farmers and not the shop owner. He submits that, if 'B' summary report is accepted by the Magistrate without hearing the farmers, it will be an injustice to the farmers. He submitted that, the shop owner was a nominal informant and the persons aggrieved are the farmers. He submits that, even if that shop owner is made accused, farmers will have no objection because they had handed over cotton to the shop owner/informant.

4. In view of the submissions made by Shri. Nagargoje, this court is observing in this matter that, in such cases it is always desirable to give show-cause notice to the persons who are deceived like the farmers and they can be allowed to file the protest application to challenge 'B' summary report. It is open to the present petitioner to apply before the learned Judicial Magistrate First Class, Ambad, to file protest application.

5. With these observations, the present Criminal Writ Petition is disposed of.

[B. U. DEBADWAR]
JUDGE

[T. V. NALAWADE]
JUDGE