

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3617 OF 2018

Sambhaji Vishnu Ballal. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Kalpesh Patil for the Petitioner.

Ms.S.D.Shinde, APP for the Respondent- State.

CORAM : **NITIN JAMDAR AND
SARANG V. KOTWAL, JJ.**

DATE : **27 October 2021.**

P.C. :

The petition is pending since 2018 and while issuing notice on 27 November 2018, the proceeding in Sessions Case No.27/2018 pending on the file of learned Sessions Judge, Islampur has been stayed.

2. Having heard the parties, according to us, any further stay will not be even in the interest of the Petitioner. The grievance of the Petitioner and the reason for transfer of the investigation that initially the prosecuting agency did not add the offence under section 307 even though injury certificate indicated that the offence will fall

under section 307 of IPC. It is also contended that the supplementary statement of the Petitioner was not recorded and all these show that the investigation is not being conducted fairly.

3. The learned APP points out that offence under section 307 is now added and that the Petitioner can always depose in the Court as regards the ingredients of section 307. The learned APP is right in contending so. The transfer of investigation is neither a matter of routine nor it is for the satisfaction of the complainant/informant or the relatives of the victim. Section 307 has now been added. The Petitioner can appear in the trial and put forth his version. Therefore, we do not deem it necessary to pass a final order or to continue the stay as any further delay would affect the trial.

4. With these observations, writ petition is disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)