

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1098 OF 2021

Umesh Mohanlal Gohil ...Petitioner
vs.
The State of Maharashtra
& Ors. ...Respondents

Mr.Rajendra Sorankar for petitioner.

Mr.Deepak Thakre, PP a/w. Mr. S.R. Shinde, APP for for Respondent
No.1-State.

**CORAM : S. S. SHINDE &
N. J. JAMADAR, JJ.**

**DATE : JUNE 10, 2021
(THROUGH VIDEO CONFERENCE)**

P.C.:

1. Heard Mr. Sorankar, the learned counsel for the petitioner and Mr. Shinde, the learned APP for State.
2. By this petition under Article 226 of the Constitution of India, the petitioner has sought effective investigation in the crime registered at MECR No.489 of 2018 with Borivali Police Station, Mumbai for the offences punishable under sections 420, 120(B) read with 34 of the Indian Penal Code, 1860 and, if required, transfer of the investigation to another agency.
3. By an order dated 17th March 2021, time was granted to the

respondent No.1 to submit a report as to the progress of investigation in the aforesaid offences. On the previous date, a report was tendered by the Assistant Police Inspector, Borivali Police Station, Mumbai wherein the stage of the investigation and the steps taken so far have been detailed. It was, *inter-alia*, submitted that the investigation is underway and a final report would be submitted expeditiously.

4. Mr. Sorankar, the learned counsel for the petitioner made a grievance that the Police Officer, to whom the investigation is entrusted, has not been carrying out the investigation in an effective and dispassionate manner. The petitioner, thus, apprehended that the investigation may not be carried out in right earnest. In response to the aforesaid grievance, Mr. Shinde, the learned APP submitted that in the backdrop of the grievance raised by the petitioner, the investigation in the subject crime has already been transferred and entrusted to Mr.Arvind Ghag, Police Inspector attached to Borivali Police Station.

5. In the light of the aforesaid development and the report to the effect that the investigation has reached an advanced stage and final report would be submitted expeditiously, we are of the view that the

petition has substantially served its purpose. The Investigating Officer against whom the petitioner has a grievance of having a bias, has also been divested of the investigation in the subject crime.

6. In the aforesaid view of the matter, we dispose of the petition with a direction to the respondent No.1 to complete the investigation and submit appropriate report in accordance with law as expeditiously as possible.

It is needless to record that the petitioner will have liberty to avail remedies, as available in law, depending upon the outcome of the investigation.

7. With the aforesaid observations, the petition stands disposed of.

(N. J. JAMADAR, J.)

(S. S. SHINDE, J.)