

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3403 OF 2019

Madhuri Dattatray Whaval .. Petitioner
v/s.
The State of Maharashtra & Anr. .. Respondents

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Mr. Ranjeet M. Pawar, for the Petitioner.

Mr. J.P. Yagnik, APP for State.

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CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 8 OCTOBER 2021.

P.C:-

The Petitioner has invoked jurisdiction of this Court under Article 226 of the Constitution of India seeking a writ to direct Respondent No.1 through Senior Inspector of Police, Baramati to transfer FIR No.298 of 2014 registered for the offences punishable under Section 279, 304(A), 337 and 338 of IPC and also to direct Respondent No.2 CID to add Section 302, 364 of IPC.

2. The grievance of the Petitioner, mother of the deceased, is that her son died homicidal death on 3 July 2014 and it was in the year 2019, she came to know that her statement was wrongly recorded that

her son died in road accident. With these assertions, the Petitioner has invoked writ jurisdiction.

3. The learned Counsel for the Petitioner fairly points out that the trial has commenced and four witnesses have been examined (who have turned hostile). It is quite obvious that, at this stage, after passage of 7 years, direction to re-investigate would be futile exercise in writ jurisdiction. We do not intend to exercise the discretionary jurisdiction. As regards the merits of the Petitioner's assertions, it is open to the Petitioner to approach the trial court in the pending case.

4. The writ petition is, accordingly, disposed of.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)