

Bibhishan Suresh Bandgar ...Petitioner
V/s.
The State of Maharashtra and Ors. ...Respondents

Mr. V.V. Purwant for the Petitioner.
Mr. K.V. Saste, APP for the State.

**CORAM : NITIN JAMDAR &
N.R. BORKAR, JJ.**

DATE : 20 June 2022.

P.C. :

Heard learned Counsel for the parties.

2. This petition is filed by the original Complainant, who had filed the proceedings resulting into CR No. 324 of 2009 at Mohol Police Station, District Solapur, that his nephew has been missing and the Respondents-investigating agency has not been properly carrying out the investigation. Making this grievance, prayer is sought to transfer the investigation to another agency such as Central Bureau of Investigation.

3. The CR No. 324 is registered in the year 2009. The FIR filed

by the Petitioner is on 25 February, 2009. The investigation is transferred to the State CID in the year 2011 and upon completion of investigation, charge sheet was filed.

4. Having heard the learned Counsel for the parties and perusing the averments made in the Petition, we find that the ingredients for exercise of powers under Article 226 of the Constitution of India to transfer investigation to Central Bureau of Investigation are not made out. Transfer of investigation agencies outside the State or any other agency reflects on the credibility of the investigation and such orders are not lightly to be passed.

5. The learned Counsel for the Petitioner submitted that the Respondents be directed to carry out further investigation and file supplementary charge sheet. As regards this relief, the Petitioner has remedy under Code of Criminal Procedure to make this request to the appropriate Court and it is for the Court concerned to consider the same on merits and to take the steps, if necessary.

6. With these observations, Writ Petition is disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)