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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1509 OF 2020

Nandu Devchand Ahire

...Petitioner

Versus

The State of Maharashtra & Ors

...Respondents

- Mr. Amey Deshpande, i/by Mr. J.D. Khairnar for the Petitioner.
- Ms. S.D. Shinde, APP, for the Respondent – State.

**CORAM : PRASANNA B. VARALE &
ANIL S. KILOR, JJ.**

DATE : FEBRUARY 08, 2022.

PER COURT :

1. Heard learned Counsel appearing for respective parties.

2. It seems that the grievance raised in the Petition was of dissatisfaction of the Petitioner about the investigation carried out in respect of CR No. 28/2010 registered at Malegaon Taluka Police Station, Malegaon, Nashik on 29.01.2010 for commission of offences punishable under Sections 420, 406, 468, 471, 405, 108, 415, 418, 465, 467 read with Section 34 of IPC.

3. On the backdrop of the principal prayer i.e. prayer clause 'B' as well as certain allegations made in the Petition, the Division bench of this Court vide order dated January 25, 2021 thought it fit to call for report of responsible officer i.e. Deputy Superintendent of Police, Nashik.

4. In response to the directions of this Court a detailed report is submitted to the Public Prosecutor dated 10.02.2021 and in turn the office of the Public Prosecutor placed on record. The same is taken on record and marked 'X' for identification.

5. Perusal of the report shows that on registration of offence and considering the seriousness in the matter as well the scope of alleged misdeeds, initially the preliminary investigation was carried out by respective police inspector attached to said police station. In the process of investigation as many as 75 statements of witnesses were recorded, various documents were also collected in the process of investigation by effecting necessary panchnamas, certain officials attached to the office of the Chief Executive Officer, Z.P., Nashik were served with notice

under Section 91 of Code of Criminal Procedure and necessary documents were also collected. It is further stated in the report that in the course of investigation certain spots were visited, necessary panchnamas were also drawn to that effect. Then investigating agency collected the certified copies of the audited accounts from the office of Chartered Accountant, Dhule. The report refers to effecting arrest of one of the accused namely, Baliram Kisan Shinde resident of Choukatpaode. The report then refers to recording of supplementary statement of witnesses. The report also refers to submission of progress report in investigation to learned Magistrate on 14.03.2017. It may not be out of place to state that the allegation in the report refers to certain unsatisfactory work undertaken in the scheme of Jalswarajya Yogna as such, those particular spots wherein certain steps of scheme were taken or where the scheme was left incomplete are also visited by the investigating agency and panchnama to that effect is drawn. The statements are also recorded of witnesses in respect of the schemes. The report then concludes with important statements and it reads that "considering the extensive nature and the

spot of offence as well as considering the amount involved allegedly misappropriated in the scheme and while having discussion with the concerned investigating officer, the Superintendent of Police, Rural, Nashik thought it fit to entrust the investigation to specialized wing of investigation i.e., economic offences wing and then by following necessary procedural formalities the investigation of the said crime is transferred and entrusted to the police inspector attached to Economic Offences Wing, Nashik Rural and the officer concerned is directed to carry out the further investigation.

6. In view of the detailed report submitted to this Court and in view of the reference to the necessary facts of the report, we are of the opinion that the grievance raised in the Petition is duly considered by the competent Authority and in view of the transfer of investigation to specialized wing namely, Economic Offences Wing, the grievance raised in the Petition no more survives. Thus, it can safely be said that the object of the Petitioner to approach this Court is now duly achieved and the Petition served its

purpose. No further orders are required to be passed in the Petition. Accordingly, Writ Petition is disposed of.

7. We hope and trust that the specialized investigating agency i.e., Economic Offences Wing would carry out the further investigation within a reasonable period and as early as possible.

(ANIL S. KILOR, J.)

(PRASANNA B. VARALE, J.)