

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.5800 OF 2021**

Mangal Shukla Vaidya

.....Petitioner

Vs.

The State Of Maharashtra

.....Respondent

None for the Petitioner.

Mr. S.S. Hulke APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
MILIND N. JADHAV, JJ.
DATE : 17th OCTOBER, 2022.**

PC.:-

By the present Petition, the Petitioner has prayed that, the case wherein he is an accused, be directed to investigate by the Central Bureau of Investigation and also for conducting Narco Analyses Test of the Petitioner.

2) By now, it is settled position of law that, an accused has no right to seek transfer of his case to an investigating agency of his own choice. Likewise, accused has no say in the manner, method and mode of investigation being carried out by the investigating agency. Reliance is placed on the decision of Hon'ble Supreme Court in the case of *Union of India & Anr. Vs. W.N. Chadha* reported in *AIR 1993 SC 1082*.

3) As far as the prayer of Narco test of the Petitioner is concerned, the Petitioner will be at liberty to file appropriate Application before the learned trial Court and the same will be considered on its own merits and as per the provisions of law. It is needless to mention that, the trial Court will take into consideration the law laid down by the Supreme Court for conducting the Narco analysis test.

4) In view of above, nothing further survives in the Petition and is accordingly disposed off.

(MILIND N. JADHAV, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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