

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 3013 OF 2022**

Gita Shyam Parmar

.....Petitioner

Vs.

The Commissioner Of Police & Ors.

.....Respondents

Adv. Ruchi Singh i/by Adv. Akhilesh Singh for the Petitioner.
Ms. M.H. Mhatre APP, for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D. NAIK, JJ.
DATE : 24th FEBRUARY, 2023.**

P.C.:-

- 1) By the present Petition, the Petitioner-First Informant in C.R. No.667 of 2021 registered with Dindoshi Police Station, Mumbai has prayed that the investigation of the said crime be transferred to the State CID, Mumbai Unit or to other investigating agency.
- 2) Heard Ms. Singh, learned counsel for the Petitioner and Smt. Mhatre, learned APP for the State. Perused record of investigation.
- 3) Petitioner had lodged First Information Report on 8th August, 2021 under Section 406 of the Indian Penal Code (for short, "IPC") against Mr. Vijay Thakur alleging that, on 10th July, 2021 as she wanted to go to Vasai, she locked her cupboard and also the main door of her house and gave keys of it in possession of Mr. Vijay Thakur, who was her neighbour.

She had also informed him that, she had kept gold ornaments valued about Rs.7,33,750/- in the cupboard. When she returned to her house, she found that, the said gold ornaments are missing. In this brief premise, she lodged the said crime with Dindoshi police Station, Mumbai.

4) Learned counsel for the Petitioner submitted that, as the police have failed to recover the stolen gold ornaments from Mr. Vijay Thakur, or its recovery, investigation of the present crime may be transferred to some other agency.

5) During the course of investigation, principal accused Mr. Vijay Thakur and co-accused Mr. Sushilkumar Karnawat, who was the recipient of stolen property to some extent, were arrested. During their custodial interrogation, no recovery could be effected by the police. After completion of investigation, police have submitted charge-sheet in the Court of competent jurisdiction on 13th March, 2022.

6) Perusal of charge-sheet indicates that, the principal accused Mr. Vijay Thakur had sold a chain made up of a gold metal weighing about 14 gms. to co-accused Mr. Sushilkumar Karnawat of Goregaon and therefore Section 411 of IPC has been added to it.

7) Learned APP on instructions from Mr. Yogesh Kanherkar, Police Sub-Inspector attached to Dindoshi Police Station submitted that, the Petitioner is involved in five crimes, out of which two crimes are under NDPS Act. She further submitted that, the Petitioner is also an accused in

the Crime under Sections 380 and 411 of IPC bearing CR No.277 of 2018 registered with Dindoshi Police Station with an allegation that she received stolen property in the said crime. That, the Petitioner has deliberately made false and serious allegations against the Investigating Officer of the present crime.

8) Perusal of charge-sheet further indicates that, the police have adopted appropriate legal measures in completing investigation and submitting charge-sheet. We *prima facie* find that, there is no lacuna in the investigation.

In view of the above, there is no reason to transfer the investigation of the present crime to other investigating agency.

9) Petition is accordingly disposed off.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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