



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

66 CRIMINAL WRIT PETITION NO. 616 OF 2023

JAYASHRI DEVIDAS NIKALJE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Shejwal Arun S.

APP for Respondent Nos. 1 to 3 : Mrs. R.R. Tandale

Advocate for Respondent No. 5 : Mr. N.S. Ghanekar 32

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 29.04.2024

PER COURT :

The petitioner, who is the informant, at whose instance the offence has been registered is seeking directions for changing the investigating officer.

2. The learned A.P.P., on instructions submits that already a 'B' summary report has been filed and in spite of several dates have elapsed the petitioner is not coming forward before the Special Court.

3. Needless to state that the petitioner will have every right to contest the 'B' summary report. He may take appropriate steps.

4. To the extent of change of investigating officer, in our considered view, the prayer would be premature inasmuch as it would depend upon the order to be passed by the Magistrate on a 'B' summary report. Besides, in

the light of the observations in the matter of *Vinubhai Haribhai Malaviya and others; Vs. State of Gujarat and another; (2019) 17 SCC 1*, if at all, the Magistrate rejects the 'B' summary report, the petitioner would have every opportunity to take appropriate steps as laid down therein.

5. Keeping alive his such rights, the writ petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-