



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL WRIT PETITION NO.1425 OF 2024

Manohar Namdeo Gurav (Bachate)
Age: 74 years, Occu.: Agriculturist,
Residing at Village Murud,
Tq. And Dist. Latur.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Principal Secretary,
Home Department,
Mantralaya, Mumbai-400 032.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Latur, Tq. And Dist. Latur.
3. The Police Inspector,
Police Station Murud,
Tq. And Dist. Latur.

.. Respondents

...
Mr. A. S. Shejwal, Advocate for the Petitioner.
Mr. V. K. Kotecha, APP for Respondents/State.
...

**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

DATE : 18 SEPTEMBER 2024

ORDER :

. Present petition haps been filed under Article 226 of the
Constitution of India for transferring the investigation of FIR vide
Crime No.67 of 2024 dated 21.02.2024 registered with Murud

Police Station, District Latur to the Economic Offence Wing or by appointing Special Investigating Team for proper and thorough investigation.

2. Heard learned Advocate for the petitioner and also the learned APP for the respondents – State.

3. It appears that the FIR came to be lodged by the present petitioner on the basis of observations by Assistant Charity Commissioner, Latur and his decision to refer the matter under Section 41-D of the Bombay Public Trusts Act to learned Joint Charity Commissioner, Latur. The observations were that the accused has committed misappropriation and dealing with financial transactions on behalf of trust when in fact he was not even the President of the trust. It appears that the statement of the accused was also recorded before the Sub Divisional Officer and other officers in respect of some construction made by him and his body after 08.01.2014, when this Court had passed order of *status quo*.

4. The petitioner says that the misappropriation is of huge amount and it involves much documents to be gone into and therefore, the investigation should be transferred.

5. Here, it is to be noted that the petitioner is not making any allegations against the present investigating officer. When no question has been raised regarding competency of the investigating officer, this Court would slow in interfering with the investigation. Now, it is also stated that since February 2024, the petitioner has not seen much progress in the matter and the charge-sheet is not filed. At one breath, when the petitioner is saying that it is involving voluminous documents, then petitioner cannot say that the investigating officer should make hurry in filing the charge-sheet. At this stage, we do not find any reason to transfer the investigation. It appears that on 03.06.2024, a representation has been made by the present petitioner to District Superintendent of Police, Latur. We direct the District Superintendent of Police, Latur to decide the representation dated 03.06.2024 filed by the petitioner within a reasonable time, taking into consideration the progress made in the investigation.

6. Accordingly, the writ petition stands dismissed.

[S. G. CHAPALGAONKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

scm