

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

CRIMINAL WRIT PETITION NO. 3572 OF 2023

Ranveer Zunzarrao Gaikwad And Anr. Petitioners
Versus
Union Of India And Ors. Respondents

Mr. Umesh H. Pawar a/w Mr. Sagar Sonawane, for the Petitioners.

Mrs. P. P. Shinde, A.P.P for the Respondents – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 9th JANUARY 2024

P.C. :

1. By this petition, the petitioner seeks transfer of investigation of CR. No. 61 of 2023, registered with Palus Police Station, District Sangali, to any other independent impartial investigating agency.

2. Learned A.P.P. states that the police after proper investigation have filed chargesheet in the said case, as against six

accused, named in the First Information Report (“FIR”), by the injured – Ranveer. She submits that as far as eye witnesses are concerned, their statements have also been recorded i.e. the statements of Indrajit Pawar and Dharamveer Gaikwad, have been recorded, both by the police and the Magistrate, under Section 161 and 164 of the Cr.P.C., on 1st April, 2023.

3. According to the learned Counsel for the petitioner, the police have deliberately not made Sandip Patil and Ranjit Patil as co-accused, despite their names being disclosed by Indrajit and Dharmaveer, in their statements recorded by the police and the Magistrate, under Section 161 and 164 of the Cr.P.C. on 1st April, 2023. He submits that even subsequently, the injured – Ranveer, in his statement, recorded under Section 164 of the Cr.P.C. on 3rd May, 2023, has named Sandip Patil and Ranjit Patil, as assailants. According to the learned Counsel for the petitioner the police have deliberately, instead of making Sandip Patil and Ranjit Patil as co-accused, have recorded their statements on 30th March, 2023, under Section 161 of the Cr.P.C.,

as eye witnesses to the alleged incident of assault.

4. Since chargesheet has been filed, we do not wish to further delve into the matter. Suffice to state, that it is always open for the trial Court to invoke Section 319 of the Cr.P.C., if a case is so made out, against any other person. We make it clear, that we have not examined the facts on merits and as such all contentions of all parties are kept open.

5. With these aforesaid observations, the petition stands disposed of.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

CHAITANYA
ASHOK
JADHAV
Digitally signed
by CHAITANYA
ASHOK
JADHAV
Date:
2024.01.12
12:17:12
+0530