

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

WRIT PETITION NO. 5696 OF 2018

Pradeep Wadkar

... Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Viraj Shelatkar i/b Mr. Ritesh Ratnam for the Petitioner.

Mr. V. B. Konde-Deshmukh, Addl.P.P. for the Respondent – State.

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

DATE : 6th FEBRUARY 2024

P.C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks a direction to the respondent Nos. 1 and 2 to transfer the investigation of C.R. No. 195 of 2016, registered with the A.P.M.C. Police Station, Navi Mumbai, to EOW, Thane, or to the CID. Further direction is also sought to the respondent Nos. 1 to 3 to initiate inquiry as against the respondent

Nos. 4 and 5, for dereliction of duty. A direction is also sought to the respondent Nos. 1 to 3 to submit the report of investigation in connection with the said C.R., i.e. C.R. No. 195 of 2016, registered with the A.P.M.C. Police Station, Navi Mumbai.

3. Perused the papers. It is not in dispute that the FIR in question was registered at the behest of the petitioner, with the A.P.M.C. Police Station, Navi Mumbai on 23rd August 2016.

4. After investigation, charge-sheet was filed in the said case on 30th November 2016. During the course of investigation, three accused came to be arrested, and all the said three accused have been chargesheeted in the said case. It is not in dispute that on 7th April 2021 charge was framed in the said case by the concerned Court.

5. The grievance of learned counsel for the petitioner is that, despite making certain allegations as against some other persons, including the three accused, who were chargesheeted, the police have taken no steps to investigate their role, despite there being statements

showing the complicity of the said persons.

6. Since, charge-sheet has been filed and charges framed, we do not deem it appropriate to consider any of the prayers, as sought for by the petitioner in this petition. Needless to state, that it is always open for the prosecution / complainant to file an appropriate application under Section 319 of the Code of Criminal Procedure, if a case is so made out, in accordance with law.

7. With the aforesaid observations, the petition stands disposed of.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.