

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1434 OF 2024

Atiya Sultan Abdul Kadir Kazi

...Petitioner

Versus

The State of Maharashtra

...Respondent

WITH

INTERIM APPLICATION NO. 262 OF 2025

IN

CRIMINAL WRIT PETITION NO. 1434 OF 2024

Atiya Sultan Abdul Kadir Kazi

...Applicant

Versus

The State of Maharashtra

...Respondent

Mr. Prakash N Wagh for the Petitioner.

Mrs. P.P.Shinde, A.P.P for the Respondent-State.

Mr. Niranjan S. Mundargi a/w Mr. Suraj Gaikwad & Mr. Veerdhawal Deshmukh for the Intervenor/Applicant in IA/262/2025.

PI – Ganesh Patil attached to Powai Police Station, present.

CORAM : REVATI MOHITE DERE &

DR. NEELA GOKHALE, JJ.

DATE : 25th FEBRUARY, 2025

P.C. :

1. By this petition, the petitioner seeks a directions to transfer the investigation of MECR No. 2 of 2014 registered with the Sakinaka Police Station to Mumbai Crime Branch.

2. On 3rd December, 2024, the following order was passed;

“1. Learned APP states that the investigation of the said case has already been transferred from Sakinaka Police Station, Mumbai to Powai Police Station, Mumbai. She further states that the police of Powai Police Station, Mumbai, has sent documents to the hand-writing expert, considering that two deferring opinions were given by the hand-writing expert. She seeks time since the report of the hand-writing expert has not been received, till date.

2. Since the documents in question were sent to the hand-writing expert more than a year ago, we direct the hand-writing expert to give his report, as expeditiously as possible, and in any event within six weeks from the date of receipt of this order.

3. Stand over to 24th January 2025.

4. Learned APP to inform us on the next date, whether any departmental action/enquiry has been initiated against Mr. Kamthe, Police Inspector of Sakinaka Police Station, Mumbai.

5. Learned APP to forthwith communicate the aforesaid order to the hand-writing expert, so as to enable them to comply with the same.”

3. Today, learned APP, on instructions, states that the Police have received the hand-writing expert's report. She states that the Police, after going through the said report and the material collected,

will be filing an appropriate report before the concerned Court, within four weeks from today. Statement accepted.

4. In view of the aforesaid, nothing survives for further consideration in the petition.

5. Petition stands disposed of accordingly.

6. In view of the disposal of the aforesaid petition, nothing survives for further consideration in the interim application.

7. Interim Application No. 262 of 2025 stands disposed of accordingly.

8. Needless to state, that all contentions of all parties are kept open.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.