



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.295/2024

Yashwant Ranchoddas Ade and anr. .Vs. State of Maharashtra and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

None for the petitioners.

Mr. I. Damle, A.P.P. for respondent Nos.1 to 4.

CORAM : **ANIL L. PANSARE AND**
SIDDHESHWAR S. THOMBRE, JJ.

DATE : **SEPTEMBER 29, 2025**

None present for the petitioners. Heard learned A.P.P.
for respondent Nos.1 to 4.

2. We have perused the petition. The petitioners' grievance is that the investigating officer is biased and, therefore, investigation in Crime No.781/2022, should be handed over to Special Investigation Team.

3. It appears that there occurred theft. The respondents, however, did not register FIR. Accordingly, the petitioners approached the Magistrate under Section 156 (3) of the Criminal Procedure Code, 1973 ("Code"), and in terms of the order of the Magistrate, FIR has been registered.

4. On 12.04.2024, following order was passed:

"Heard.

2. This is an application seeking to transfer of investigation. The applicant has initially applied to the Magistrate seeking directions for registration of crime in terms of under Section 156 (3) of the Code of Criminal Procedure. Having been found prima facie material to make out the cognizable case, the Magistrate has issued directions for registration of crime on 30.09.2022. In the result, Crime

No.781/2022 is came to be registered with the Police Station Khadan, District – Akola, for the offences punishable under Sections 452, 454, 379, 323, 341, 380, 504, 506 read with Section 34 of the Indian Penal Code.

3. It is the applicants grievance that despite registration of crime till date no investigation has been carried out. Neither applicants' statement is recorded nor a statement of relevant witnesses have been recorded. It is submitted that accused are not arrested. According to applicant, the Investigating Officer is bias and thus, the process of investigation needs to be handed over to some other independent agency.

4. Issue notice to the respondents, returnable on 09.05.2024.

5. Mr. Narale, learned APP waives service of notice on behalf of respondents/State.

6. The concerned Incharge Police Officer shall file affidavit as to what steps they have taken on the basis of said FIR.”

5. Thus, contention of the petitioners was that the petitioners statement were not recorded nor were the statements of witnesses recorded by the investigating officer.

6. Learned A.P.P. submits that the petitioners are not cooperating and despite repeated requests have not appeared before the investigating officer for recording statement. According to him, the petitioners are at Pune and even arrangement was made to send police to Pune for recording statement. The petitioners, however, were not available at the residence. Rather, it was locked. Concerned police called the first petitioner, who responded saying that they are at Bangalore and will return back after one month. The petitioners, however, did not appear before the investigating officer and because of their non cooperation, the investigation is pending.

7. None appeared for the petitioners. The submissions made by the learned A.P.P. stood uncontroverted, meaning thereby that the petitioners are to be blamed for delay in investigation. There is thus, no merit in the petition. The petition is accordingly dismissed.

(Siddheshwar S. Thombre,J.)

(Anil L. Pansare, J.)

Kahale