



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 844 OF 2025

[Rahul S/o Nandakishor Chavhan **vs.** State of Maharashtra,
through P.S.O., Yavatmal City, Yavatmal and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. V. D. Awchat, Advocate for the petitioner
Mr. S. A. Ashirgade, A.P.P. for the State/respondents

CORAM: ANIL L. PANSARE
AND RAJ D. WAKODE, JJ.

DATE : 24-11-2025.

On 15-10-2025, following order was passed.

- “1. *Heard.*
2. *The petition is filed seeking transfer of investigation to an independent investigating agency. The reason for such prayer is that the report as given by the petitioner has been not recorded by the investigating officer.*
3. *The learned Counsel for petitioner submits that the petitioner made complaint only against three persons, saying that they assaulted him by means of fist and blows. However, we have found from the written complaint lodged by the petitioner before the Magistrate that he was assaulted on chest by means of beer bottle. Thus, it appears that the petitioner is giving twist to the incident.*
4. *The learned Counsel for petitioner further submits that the investigating officer is invoking the provisions under the Maharashtra Control of Organized Crimes Act, 1999, which is*

2

not the grievance of the petitioner. He further submits that the investigating officer has roped in other persons as well, which accordingly to petitioner could not have been done.

5. *Thus, it appears that the petitioner is aggrieved by the manner in which investigating officer is conducting the investigation.*

6. *Prima facie, we are of the view that grievance so put forth may amount to interference in the investigation inasmuch as if during investigation, the role of other accused is disclosed, the investigating officer is bound to proceed against them. Similarly, if the offence under question has been committed by the member of the gang as defined under the provisions of MCOC Act, the investigating officer is bound to follow procedure led down in the MCOC Act.*

7. *In the light of above, we would like to test bona fides of the petitioner. The petitioner shall accordingly deposit Rs.50,000/- with this Court by 06.11.2025.*

8. *Once the amount is deposited, issue notice to the respondent Nos.1, 2 and 4 only, returnable in two weeks thereafter.*

9. *Learned APP waives service of notice for respondent Nos.1, 2 and 4.”*

In response, on previous date, learned Additional Public Prosecutor (APP) submitted that the charge-sheet has been filed. Thus, purpose of filing petition was served. However, the petitioner has a grievance which he continued saying that the Investigating Officer has invoked the provisions of the Maharashtra Control of Organized Crimes Act, 1999 (for short ‘MCOC Act’)

3

against the accused.

2. Thus, the issue put forth by the petitioner is that the investigating agency should not have invoked the provisions of the MCOC Act. Learned counsel for the petitioner submits that the petitioner has approached the trial Court by filing affidavit to that effect. However, the trial Court has just seen the affidavit and not passed any order.

3. In our view, such a conduct of the petitioner may amount to interference in administration of justice in much as once investigating agency, after having collected evidence and after obtaining sanction to prosecute the accused under MCOC Act, the petitioner cannot interfere in the trial by filing affidavit stating that the provisions of MCOC Act ought not to have been invoked. However, for the time being, we will not pass any order as regards interference in administration of justice and we leave it to the trial Court to take recourse to appropriate provisions of law, if such interference continued.

4. For the time being and considering the fact noted above, we are of the firm opinion that the petitioner has not approached this Court with *bona fide* intention. His insistence to hear the petition, despite charge-sheet having been filed, is something that speaks volume. We are as such not aware as to why petitioner does not want accused persons to be prosecuted under the provisions of MCOC Act, the petitioner has not

4

disclosed the reasons but states that the accused should not be prosecuted under the said provisions. The conduct of the petitioner, however, indicate that he wants to favour accused, for the reasons best known to him. The trial Court shall be, therefore, extremely careful while analysing his testimony.

5. The petitioner approached this Court to transfer the investigation. The charge-sheet is filed. Nothing survives in the petition. The petition is accordingly dismissed.

6. The amount deposited by the petitioner shall be utilized for the Day Care Center managed by the Registry of this Court.

(JUDGE)

(JUDGE.)

wasnik