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

## **CRIMINAL WRIT PETITION NO. 3129 OF 2010**

Shashilal Nair ...Petitioner

V/s.

The State of Maharashtra & Ors.

...Respondents

Mr. Niranjan Mundargi with Ms. Renuka Laxmeshwar for the Petitioner

Mr. D.P. Adsule, A.P.P., for the State

**CORAM:** A.M. KHANWILKAR AND

A.R. JOSHI, JJ.

**DATE: 3RD MARCH, 2011** 

P.C.:-

The counsel for the petitioner submits that the charge sheet filed by the Investigating Officer is replete with deficiencies and clearly displays the casual manner in which investigation has been done by him. Amongst others, it is submitted that, although the allegations pertain to fraud in connection with bank account of the petitioner, the Investigating Officer has not bothered to examine the bank officials or make any enquiry in that behalf before filing of the charge sheet in the concerned police station. The fact that no such enquiry is made is evident from the

2 312910

charge sheet which has already been filed in Court. When called upon to explain this inaction, the learned A.P.P. Submits, on instructions, that the previous Investigating Officer Mr. Anil Budgujar, A.P.I., who filed the police report in the concerned Court, is under transfer, and some departmental action is also pending against him.

- 2. The new Investigating Officer, Mr. P.I. Patil, who has come to instruct the learned A.P.P., assures that he will examine the matter and take necessary steps as may be required, including to invoke powers of further investigation and file supplementary police report.
- 4. Ordinarily, in this situation, we would have thought it appropriate to transfer the investigation of the case to independent agency, as the petitioner has made allegations against the police officers of the local police station. However, as assurance has been given by the new Investigating Officer, who has replaced the earlier Investigating Officer responsible for filing deficient charge sheet, we defer the hearing of this matter to <u>22<sup>nd</sup> March</u>, <u>2011</u>. To be listed under caption 'Direction'.