

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CRIMINAL APPLICATION NO. 8268 of 2019

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ASHOK DEVENDRA GOYAL

Versus

STATE OF GUJARAT

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Appearance:

MR MANAN A SHAH(5412) for the Applicant(s) No. 1
for the Respondent(s) No. 2,3

MR LB DABHI, APP (2) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE S.H.VORA

Date : 03/09/2019

ORAL ORDER

1. By way of present application, applicant has prayed following relief in terms of paragraph-6(B):

“6(B) Your Lordships may be pleased to issue appropriate writ, order or direction and be pleased to transfer the investigation in connection with FIR being C.R.No.I-17 of 2019 from the hands of respondent no.3 – Dungra Police Station, to any independent agency like CID Crimes or to an officer not below the rank of Commissioner of Police so as to bring truth on record and secure fair and impartial investigation.”

2. Having heard the submissions made at bar, it appears that the applicant has ventilated grievance in the present application that proper investigation is not done and therefore, made a prayer to entrust the investigation to any other independent investigating agency. Looking to the nature of grievance ventilated in the present application, the remedy of

the aggrieved person is to approach the Magistrate concerned under Section-156(3) of the Criminal Procedure Code, 1973. Needless to say that the Magistrate concerned has power to direct proper investigation to be done which includes in his discretion recommending change of investigation officer so that proper investigation is done in the matter.

3. In light of this position, the applicant has a recourse available under the law and, therefore, present applicant is directed to avail alternate remedy to approach Magistrate concerned under Section-156(3) of the Criminal Procedure Code, 1973 and if he does so, the Magistrate will consider such application in accordance with law and pass appropriate order.

4. With this observation and direction, present application stands disposed of. Direct service is permitted.

SATISH

(S.H.VORA, J)

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THE HIGH COURT
OF GUJARAT

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