

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3626 OF 2019

Neptune Gold through Mohit Choudhary ...Petitioner

VS.

The State of Maharashtra and Ors. ...Respondents

Mr. Sathyanarayanan for the Petitioner.

Mr. Deepak Thakre, PP a/w Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P DHARMADHIKARI &  
SMT. SADHANA S. JADHAV, JJ.  
DATE : 29/11/2019.**

PC.:

Grievance of the petitioner is though his statement on quantum delivered to agent has been recorded, statement of customer who was to receive it has still not been recorded and without it charge-sheet has been filed. Request therefore is to transfer the investigation so that proper steps can be taken.

2. Learned APP pointed out that the grievance of this nature can be made before the trial Court.

3. It is apparent that in the light of judgment reported in the case of *Vinubhai Haribhai Malaviya vs. State of Gujrat, 2019, SCC Online SC 1346*, an application can be moved and these lacunae can be pointed out to the trial Court.

4. As charge-sheet and other material is available to trial Court, we find it in the interest of justice to adopt this course of action. With said

liberty to the petitioner and keeping all contentions open, we dispose of the present petition.

(SMT. SADHANA S. JADHAV, J.)

(B. P. DHARMADHIKARI, J.)