

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1500 OF 2013

Gulshan Banarasilal Papneja ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

WITH

CRIMINAL APPLICATION NO.68 OF 2014
IN
CRIMINAL WRIT PETITION NO.1500 OF 2013

Sangli Sahakari Bank Ltd. ...Applicant
In the matter of -

Gulshan Banarasilal Papneja ...Petitioner

Versus

State of Maharashtra & Ors. ...Respondents

... ..

Mr. Gautam Tiwari for the Petitioner.
Mrs. U.V. Kejriwal, APP, for Respondent No.1-State.
Mr. Niranjana Mundargi a/w Mr. S.B. Pawar &
Ms Swati Sawant i/b S.K. Legal & Associate for the
Applicant in Appw/68/2014

**CORAM : RANJIT MORE &
M.L. TAHALIYANI, JJ.**

DATED : MARCH 11, 2015.

P.C.

Heard learned counsel for the respective parties.

2. The Petitioner has approached this Court invoking jurisdiction of this Court under Article 226 of the Constitution of India seeking direction for further investigation under section 173 (8) of the Code of Criminal Procedure, 1973 in C.R. No.13/2010 registered with Trombay Police Station and renumbered as DCB CID C.R. No.10/2010.

3. On 27-11-2013 the Court has passed the following order :-

“Learned A.P.P., on instruction, submits that further necessary steps would be taken during investigation. He submits that one lot of cheques was already forwarded to the handwriting expert and its opinion is yet to be received. Further lot of cheques would also be forwarded to the handwriting expert for its opinion. Status report of the investigation carried out by the Police be informed to the Court on the next date of hearing. Stand over to 23rd December 2013 at 3.00 p.m.

2. Learned A.P.P. is entitled to discuss with Joint C.P. (Crime) regarding steps to be taken for investigation in such crimes and other similar cases so that confidence in investigative system is strengthened.”

4. The matter was thereafter placed on the board of 13-1-2014, on which date statement of the learned APP that documents are forwarded to handwriting expert and they expect handwriting expert's report within two weeks, was recorded and the matter was then adjourned to 27-1-2014. The writ petition appeared on board on 27-1-2014, when again the learned APP sought time to intimate the progress

made in the investigation.

5. Thus, further investigation under section 173 (8) of Cr.P.C. in pursuant of the order dated 27-11-2013 is already in progress. The Investigating Agency has to take appropriate decision of filing supplementary charge-sheet on completion of the further investigation. We only observe that further investigation shall be completed as expeditiously as possible and appropriate decision will have to be taken thereafter by the investigating agency.

6. In the light of this fact situation, there is no need to keep this writ petition pending. Same is, therefore, dismissed.

7. In view of disposal of Writ Petition No.1500 of 2013, Criminal Application No.68 of 2014 does not survive and same is also dismissed.

[M.L. TAHALIYANI, J.]

[RANJIT MORE, J.]