

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 904 OF 2015**

Mr. Paresh Manohar Desai

Petitioner.

Vs

1.The State of Maharashtra ;

2. Miss Soni I. Albert

.. Respondents

Mr. Ranvir Shekhawat i/b M/s Raj Legal, Advocates for Petitioner.
Mrs. U.V.Kejriwal, APP for Respondent no.1-State.

**CORAM : RANJIT MORE & R.G.KETKAR,JJ.
DATE : 30th SEPTEMBER, 2015.**

PC:

1. Heard Mr. Shekhawat, learned counsel for the petitioner and Mrs. U.V.Kejriwal, learned A.P.P for respondent no.1-State.

2. On 8.9.2015, statement was made by learned A.P.P that chargesheet, after investigation into the subject FIR, is already filed. The petitioner thereafter sought leave to amend the petition so as to challenge and annex a copy of the chargesheet. Accordingly, we granted leave to the petitioner to amend the petition.

3. Learned counsel for the petitioner points out that as on 8.9.2015 chargesheet of subject FIR was not at all filed. The chargesheet in fact is presented in the concerned court on 15.9.2015 which was numbered as R.C.C. No.602 of 2015. Learned J.M.F.C. Thane, however, found that the chargsheet is not presented within the prescribed period of limitation and held that Court cannot take cognizance as the chargesheet is filed beyond

the period of limitation. Learned Magistrate has also disposed of the application as the chargesheet is filed beyond period of limitation by his order dated 23.9.2015. Copy of the said order is placed on record.

4. In the above circumstances, nothing survives for consideration of the petition. Petition is accordingly disposed of.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)

CERTIFICATE

Certified to be true and correct copy of the original signed order.