

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

CRIMINAL WRIT PETITION NO. 1581 OF 2015

Mukesh Vijay Mishra

..Petitioner

v/s.

The State of Maharashtra .

..Respondents

Mr. Subhash Jha a/w. Ms. Rushita Jain i/b. Law Global for the
Petitioner.

Mr.K.V.Saste, APP for the Respondent/State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI,JJ.
DATED : JUNE 23, 2015.**

P.C.

1. Heard Mr. Jha, learned Counsel for the petitioner, and Mr. Saste, learned APP for the State.
2. The petition is filed for direction to carry out further investigation under Section 173(8) of Cr.PC. in respect of C.R.No.56 of 2013 registered for the offence under Section 376, 342, 506(ii) of IPC.
3. There is no dispute that the investigation in the said C.R. is

already completed and chargesheet is submitted before the Sessions Court. The petitioner is the accused in the said sessions case. After submission of the chargesheet he filed similar application under Section 173(8) of Cr.P.C. before the Sessions Court at Gr. Mumbai. This application came to be rejected on 9.9.2014 by the learned Addl. Sessions Judge, Gr. Mumbai. The petitioner challenged this order by filing application No.1146 of 2014 before the single judge of this Court. However, same was also dismissed on 10th February, 2015, and thereafter the present petition is filed.

4. Mr.Jha, learned counsel for the petitioner submits that the incident in question is dated 2.12.2012. However, the FIR is registered on 23.1.2013. He submits that the petitioner and the prosecutrix had friendly relationship and earlier to the date of incident in question, they have been visiting to various places/hotels. He submits that the investigation into the record of the said hotels is required to be carried out. We are unable to agree with Mr. Jha. The earlier relationship of the prosecutrix with the petitioner to the incident in question, in our view, may not be material at this stage. The FIR in question prima facie shows commission of cognizable

offence.

5. That apart, the petitioner is requesting further investigation in respect of his probable defences to accusation against him. The petitioner is always at liberty to independently bring on record the evidence in this regard before the learned trial Judge.

6. In the above circumstances, we are not inclined to interfere in the writ jurisdiction at the instance of the petitioner. The petition is without merits and the same is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)