

Manish Kumar Mishra ...Applicant
vs.
State of Maharashtra ...Respondent

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2. In spite of interim order being passed on 29-10-2014 and the prosecution being served thereof, the prosecution has not filed say. Though learned APP sought time to file say, she is not able to show the papers of investigation to the Court on the count of investigating officer being not present in spite of herself having communicated the message to the investigating officer to remain present with the case papers. The act of said investigating agency of not remaining present nor filing reply is an indicative of themselves being not interested in contesting the application.

3. Resultantly, the reasons for which the interim order is passed by my predecessor having remained unrepelled and the application is pending for a period of two and half months, the ad-interim direction given is hereby confirmed on earlier terms and conditions.

4. However, since the order is required to be passed due to the default on the part of prosecution, for serving ends of justice liberty to the prosecution to move for cancellation of direction in event of themselves collecting any tangible material warranting custodial interrogation of the applicant for completion of investigation.

5. Application stands disposed of.

6. Copy of this order be sent to the Commissioner of Police, Mumbai.

(P.D. KODE, J.)