

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION NO.148 OF 2014

(Lobha s/o Chandu Chavhan and others vs. State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.U. Nemade, Advocate for applicants.

Ms. T. Udeshi, Additional Public Prosecutor for
respondent no.1.

Shri Rathod, Advocate for respondent no.2.

CORAM : A.B. CHAUDHARI AND
 P.N. DESHMUKH, JJ.

DATED : JANUARY 30, 2015

It is not in dispute that charge-sheet was filed
in the present case and thereafter supplementary charge-
sheet was also filed before the competent Court.

Shri Nemade, learned Counsel for the
applicants, vehemently argued that supplementary
charge-sheet could not have been filed as it amounts to
filing of supplementary charge-sheet by way of
re-investigation, which is not permissible in law. He
cited decision in the case of Balaji vs. State of
Karnataka and another (2009 Cri. L.J. NOC 95 (Kar)).

We have perused the record and find that charge-sheet as well as supplementary charge-sheet have been filed. However, it is not possible for us in exercise of jurisdiction under Section 482 of Code of Criminal Procedure to go into merits of the matter in relation to both the charge-sheets.

Insofar as argument about filing of supplementary charge-sheet by way of re-investigation is concerned, we think the applicants can very well take up the said point before the trial Court where both the charge-sheets have been filed. That being so, we make the following order :

Order

Criminal Application No.148/2014 is disposed of reserving liberty in favour of the applicants to apply to the trial Court for discharge or to take up such remedy as is available in law. All the issues including issue regarding re-investigation argued before this Court are kept open.

JUDGE

JUDGE

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