

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

CRIMINAL WRIT PETITION NO. 296/2015.

Wajir Khan Ahemad Khan and others.

-VERSUS-

1.The State of Maharashtra and others.

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

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI
& P.N. DESHMUKH, JJ.**

DATE : JULY 09, 2015.

Shri Abhay Sambre, learned Counsel for the petitioners and Shri D.B. Patel, learned A.P.P. for respondents.

2. Shri Sambre, learned counsel for the petitioners was seeking some time to remove the office objections. However, as his request was rejected, he has addressed the Court on merits.

3. According to him, the complainant initially pointed out a vehicular accident and 27 days thereafter changed the story and complained of assault by present petitioners. In this situation, according to him an impartial and fair investigation is necessary.

2

He also states that on the basis of investigation carried out, a charge sheet has been filed, but, as the investigation is faulty and real culprits have not been roped in, fresh investigation is necessary.

4. Learned A.P.P. submits that the incident is of the year 2014 and after investigation a charge sheet has been filed. If the investigation is faulty, petitioners will be acquitted. He also invites attention to provisions of Section 319 of Criminal Procedure Code.

5. We do not wish to go into the merits of the controversy at this stage. Charge sheet is already filed. If the investigation is not proper or faulty, petitioners will be acquitted. If they find that they are deliberately harassed or prosecuted, appropriate remedies are provided for them in law. In this situation, without observing anything on the merits of the controversy and keeping all contentions of petitioners open, we dispose of the present Writ Petition. No costs.

JUDGE**JUDGE**

Rgd.