

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

CRIMINAL WRIT PETITION NO. 3512 OF 2015

1 Mukta Dabholkar & Anr. ... Petitioners
Vs
1 The CBI & Ors. ... Respondents

***WITH
CRIMINAL APPLICATION NO. 42 OF 2017
AND
CRIMINAL APPLICATION NO. 152 OF 2017
IN
CRIMINAL WRIT PETITION NO. 3512 OF 2015***

***WITH
WRIT PETITION NO. 1565 OF 2015***

1 Smita Pansare & Anr. ... Petitioners
Vs
The State of Maharashtra & Ors. ... Respondents

***WITH
CRIMINAL APPLICATION NO. 43 OF 2017
IN
WRIT PETITION NO. 1565 OF 2015***

***WITH
CRIMINAL PIL NO. 15 OF 2015***

Ketan K. Tirodkar ... Petitioner
Vs
1 The CBI & Ors. ... Respondents

Mr. Vivek Patil with mr. Santosh Sawant i/b M/s. Abhay Nevagi
Associates for the Petitioner/s.

Mr. Anil C. Singh, Additional Solicitor General with Mr. D.P. Singh

for for the Respondent No.1-CBI in PIL 15/2015 and WP 3512 of 2015.

Mr. A.P. Mundargi, senior advocate / Special Public Prosecutor with Ms. M.M. Deshmukh, APP, for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.**

WEDNESDAY, 6TH FEBRUARY, 2019

P.C. :

1 The reports of both the Agencies are taken on record.

2 On inquiring, the learned Additional Solicitor General says that the Central Bureau of Investigation will file a supplementary charge-sheet in the competent criminal court by 13th February, 2019.

3 Presently, the Agency having identified the culprits and those involved in the shooting and killing of Dr. Narendra Dabholkar, it has concentrated its efforts on a total investigation and interrogation of these arrested accused, After having apprehended and arrested them, a thorough search and interrogation was carried out and their involvement is, therefore, *prima facie*, established. This does not mean that the Agency has

given up its attempt to apprehend and bring to book any other person involved in the crime. Those efforts will also continue.

4 Mr. Singh, learned Additional Solicitor General says that the Head Office has been moved with reference to the involvement of certain persons and who have been identified and named in paragraph 4 clauses (v) and (vi) of this report.

5 The learned Additional Solicitor General says that on the next occasion, he would be able to make a statement with regard to booking these persons for the crime.

6 Mr. Mundargi has tendered the report of the SIT which is in-charge of the investigation of the murder of Comrade Govind Pansare. On instructions it is stated that the arrested accused has now been named as accused No.5. The other persons have also been named as accused Nos.6 to 8. Now, the supplementary charge-sheet would be filed naming these persons and that would be done latest by 12th February, 2019. Mr. Mundargi, on instructions, states that insofar as the arrested accused are concerned, after the supplementary charge-sheet is

filed as against them, full efforts will be made and the officers will concentrate on finding out the whereabouts of the absconding accused. On such occasions and when the efforts are undertaken, the investigation team will not spare anybody, but interrogate even those operating in the financial sector.

7 Today, we brought to the notice of Mr. Mundargi that not everybody obtains funds, moneys and finances through the authorised banking channels. There are several money lenders, hawala operators and those financing the world of crime through whom absconding accused can obtain the funds and moneys for their daily needs. Even those who have entrusted the work of killing or eliminating somebody as renowned as the above two gentlemen would obtain the financial assistance for these persons from such channels and ensure that these channels allow or permit the moneys to reach the absconding accused. There is a proper link or chain established and it is only when the investigation team undertakes combing operation or a search in Metro Cities like Mumbai and equally Pune, Aurangabad, Nagpur and other major cities, that they would be in a position to obtain any clues about the absconding accused and their movements.

8 In the circumstances and impressing upon Mr. Mundargi this aspect to which he also responds that the investigation team now will fully concentrate its efforts after 15th February, 2019, to trace out the absconding accused, we take the report tendered by the SIT on record.

9 To enable the investigation team to provide further material gathered during the course of investigation and interrogation and include them in their report, we list this matter on Thursday, 14th March, 2019.

M.S. KARNIK, J.

S.C. DHARMADHIKARI, J.