

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION

CRIMINAL APPLICATION NO.332 OF 2016
IN
CRIMINAL APPLICATION NO.76 OF 2012

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Ms. M.H. Mhatre, APP for the Applicant.
Mrs.Saroj Jadhav i/b Ms. Mallika A. Ingale for the Respondents.

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CORAM : A.S. OKA & A.A. SAYED, JJ
DATED : 7TH JULY 2016

P.C.:

. Heard the learned APP for the State. She prays that a permission be granted to the Investigating Officer to file chargesheet. She submits that a draft chargesheet which is tendered across the bar for perusal of this Court will show that the statement made before the police by the first informant on the basis of which the First Information Report is registered is not by way of an afterthought. She pointed out that on 12th December 2011, a complaint was filed by the first informant in the office of the Deputy Commissioner of Police, Bandra

(East), Mumbai, which was forwarded to the Amboli Police Station.

2. We have perused the orders passed in the main Criminal Application being Application No.76 of 2012 which is admitted and is pending for final hearing. The order dated 19th January 2012 refers to the complaint filed of the same incident with Amboli Police Station on 12th December 2011. There is a prima facie observation recorded that the allegation made against the Applicants in the First Information Report is an afterthought. The Division Bench while admitting the Criminal Application has concurred with the observations made by the learned Single Judge. Therefore, during the pendency of the main Application for quashing the First Information Report, permission cannot be granted to the State to file a chargesheet. The Application is rejected. If Criminal Application No.76 of 2012 is ready for final hearing, the same shall be added to the appropriate weekly board.

(A.A. SAYED, J)

(A.S.OKA, J)