

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1815 OF 2016

Mr. Harish Ramchandra Bramhankar. ... Petitioner.
Versus
The State of Maharashtra & ors. ... Respondents.

Mr. Anilkumar K. Patil, advocate for petitioner.

Ms. A.A. Mane, APP for State.

CORAM : SMT.SADHANA S. JADHAV,J
DATE : JUNE 21, 2016

P.C.:

1 Heard the learned Counsel for the Petitioner and the learned Counsel for the respondent. Perused the papers.

2 Rule. Rule made returnable forthwith with the consent of the parties.

3 The petitioner herein questions legality of the order passed by the learned 4th Judicial Magistrate First Class, Nashik thereby

directing further investigation under Section 173(8) of the Code of Criminal Procedure, 1973 in R.C.C. No. 353 of 2013 thereby allowing the application filed by the prosecution by order dated 5th March, 2015.

4 This Court cannot be oblivious of the fact that the petitioner herein is neither complainant nor accused in the said case. He is not even related to the complainant or the accused. It is stated in paragraph-7 of the Petition that the petitioner had made some efforts to arrive at an amicable settlement between the parties after the complaint was filed. No reason is assigned as to how the petitioner could challenge an order under section 173(8) of the Code of Criminal Procedure, 1973.

5 The application seeking order under section 173(8) of the Code of Criminal Procedure, 1973 was filed by the prosecution. It was stated that the investigation has not recorded the statements of the

witnesses present when the offence was committed. In any case, the Petitioner has no locus to challenge the order passed by the learned Magistrate directing action under section 173(8) of the Code of Criminal Procedure, 1973. The learned Magistrate has assigned sound and justifiable reason for allowing the said application. The order does not warrant any interference. Hence, this petition being sans merits stands dismissed. Rule is discharged. The petition stands disposed of accordingly.

(SMT. SADHANA S. JADHAV,J)