

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

CRIMINAL APPLICATION NO.590 OF 2013

Shashikant Hegde & Ors.	.. Applicants
Vs.	
The State of Maharashtra & Anr.	.. Respondents

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Mr. A. P. Mundargi, Senior Advocate i/b. Mr. Ganesh Gole,
Advocate for the Applicants.
Mrs. M. H. Mhatre, APP for the Respondent No.1.
Mr. Siddharth Maurarka, Advocate for the Respondent No.2.

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**CORAM : A.S. OKA AND
P.D. NAIK, JJ.**

DATED : MARCH 29, 2016.

P.C.

The learned APP has tendered across the Bar a report dated 29th March, 2016. The report is signed by the Assistant Police Inspector of Dadar Police Station. It records that the Investigating Officer has come to the conclusion that a report claiming "C" summary will have to be filed. The learned APP states that in view of the ad-interim order, the report claiming "C" summary was not filed by the investigating officer till date.

2 If the report claiming "C" summary is accepted by the

Magistrate after giving opportunity to be heard to the first informant, nothing will survive in the application. In the event the learned Magistrate passes an order declining to accept the report, the applicant can always file a fresh proceeding for challenging the order of the learned Magistrate as well as for claiming a relief which is claimed in terms of prayer Clause (b) of this Application.

3 Hence, at this stage, we need not entertain this application under Section 482 of the Code of Criminal Procedure, 1973. Accordingly, we dispose of the application by passing the following order:

:: ORDER ::

- (i) The investigating officer shall submit the report claiming "C" summary before the learned Magistrate within a period of four weeks from today;
- (ii) learned Magistrate shall expeditiously pass appropriate order on the said report after issuing notice to the first informant;

- (iii) in the event, the report is not accepted by the learned Magistrate, it will be open for the applicants to file appropriate proceedings for challenging the order of the Magistrate as well as for claiming the relief in terms of prayer Clause (b) of this application;
- (iv) all contentions of the parties on merit are kept open.

(P.D. NAIK, J.)

(A.S. OKA, J.)