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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CR. APPLICATION No.911 of 2014.

Rozina Sadik Ali Bhagwan

@ Rozin Imitiya Mulla

..Applicant.

Vs

The State of Maharashtra

..Respondent.

Mr Aniket Nikam for the applicant.

Smt. P. P. Bhosale, APP for the Respondent-State.

CORAM : A.S.GADKARI, J.

DATE : 12th July, 2016

P.C.

1) By the present application filed under section 482 of the Code of Criminal Procedure, the applicant (original complainant in CR No.98/2008 registered with Satara Police Station culminated in RCC No.194 of 2008) has challenged the Judgment and Order dated 17/2/2014 passed by the learned Additional Sessions Judge, Satara in Criminal Revision Application No. 44 of 2011 rejecting the revision application and confirming the Order dated 12.1.2011 passed by the learned Chief Judicial Magistrate, Satara, rejecting the application for further investigation under section 173 (8) of Cr.P.C.

2) Heard the learned counsel for the applicant and the learned APP.

3) The learned counsel for the applicant submitted that though the application dated 6.10.2010 filed below Exh.47 mentions, the section 156 (3) of Cr.P.C., it was in fact an application under section

173 (8) of Cr.P.C. for further investigation.

4) It is now the settled position of law, and as has been enumerated in the case of Reeta Nag vs. State of West Bengal & Ors reported in (2009) 9 SCC 129 by the Hon'ble Supreme Court that, it is the investigating authority who is permitted to file an application for further investigation under section 173 (8) of Cr.P.C. and an application preferred by the de-facto complainant is not permissible.

5) In view of the above, I find that there is no illegality or error committed by both the Courts below while passing the impugned order. I find no merits in the present application and same is accordingly dismissed.

(A.S. GADKARI, J.)