

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3526 OF 2015

Abdul Salam Mahamood Shaikh
Versus
The State of Maharashtra

..Petitioner

..Respondent

Mr. Rohit V. Pawaskar i/b. Mrs.Sana Yusug Baugwala, advocate for the petitioner.
Mrs. S. V. Sonavane, APP for the State.

**CORAM : RANJIT MORE &
V. L. ACHLIYA, JJ.**

DATE : 7th JANUARY, 2016.

P. C. :

Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner is challenging an order dated 10th July, 2015 passed by learned JMFC, Sawantwadi. By the said order, the petitioner's application at "Exhibit 56" in regular criminal case No.81 of 2011 is dismissed. The petitioner took out the application at Exhibit 56 under section 173(8) of the Code of Civil Procedure, 1973 for further investigation. The application is rejected on the ground that charge-sheet is filed on 26th September, 2011. Thereafter, charge is framed on 13th February, 2012 and the case is at the stage of trial and three

witnesses are already examined. The trial Court found that no explanation for delay is given for making the application for further investigation belatedly. The trial Court was of the opinion that the application is made in order to protract the trial. We do not find any merit in the petition and same is, accordingly, dismissed.

[V. L. ACHLIYA, J.]

[RANJIT MORE, J.]