

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.4819 OF 2015

Sudhir @ Ravji Sitaram Gawde		Petitioner
V/s.		
The State of Maharashtra		Respondent

Mr. Jayesh A.Vithlani for the Petitioner.

Mr. A.S. Shitole, A.P.P., for the Respondent-State.

CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.

DATE : 18TH JANUARY 2016.

P.C. :

1. By this Petition, the Petitioner/Original Complainant is challenging order dated 7th December 2015 passed by the 68th Metropolitan Magistrate's Court, Borivali, Mumbai in C.C. No.261/SW/14.

2. The said criminal case was filed by the Petitioner against the Respondent for the various offences of cheating, forgery etc. Initially itself, the learned Metropolitan Magistrate has assigned the said case for making enquiry under Section 202 of Cr.P.C. As the report filed by the Police was not favourable to the Petitioner, he agitated the same and the learned Magistrate, observing that the Police did not investigate the case properly and thoroughly, again sent it for proper and complete

investigation. The Police were directed to submit the report of investigation within one month. The said order was passed on 30th March 2015. Accordingly, the Police carried out further investigation and submitted its report observing that some forged documents were produced and Government was cheated. However, it was held that, as the Petitioner is not the member of the said slum area, he is not personally cheated in any way. On this report, the Trial Court passed the impugned order observing that, as the Petitioner/Complainant seems to be not satisfied with the report filed by the Police Officer, after enquiry, he is directed to lead evidence. Against this impugned order, the Writ Petition is preferred.

3. At the outset itself, it has to be observed that this is purely an interlocutory order, against which the Petitioner should not have any grievance. It is not that the Trial Court has foreclosed his case for all the time to come. Conversely, the Trial Court has given him one more opportunity to substantiate his case by directing him to lead evidence.

4. In such situation, absolutely no interference is warranted in the impugned order of the Trial Court. The Writ Petition, therefore, stands dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]