

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR

CRIMINAL WRIT PETITION NO.32 OF 2015

Vinod Bhatt

..vs..

State of Maharashtra, thr PSO Sewagram, District Wardha and ors

.....
Office Notes, Office Memoranda of Coram,
appearances, Court orders or directions
and Registrar's orders
.....

Court's or Judge's Order

Shri N.S. Bhat, counsel for the petitioner.
Shri S.M. Uike, Addl.P.P. for State.
Shri S.B. Ahirkar, counsel for R-7.

**CORAM : B.P. DHARMADHIKARI &
V.M. DESHPANDE, JJ.**

DATED : FEBRUARY 10, 2016.

Heard.

The matter is being considered since long by this Court. Effort of learned counsel for the petitioner is to urge that police have not recorded the statements properly and whatever witnesses have disclosed, has not been written down as part of statement under Section 161 of the Code of Criminal Procedure.

In view of this grievance, after hearing respective learned counsel on 29.6.2015, we granted learned counsel for the petitioner Shri N.S. Bhat time to verify whether report under Section 173 of the Code of Criminal Procedure is filed.

On 30.7.2015, this Court has recorded the statement of learned Addl.P.P. for the State that final report has been prepared and is pending approval. Thereafter, on 11.12.2015, another counsel appeared and in order to satisfy his curiosity, learned Addl.P.P. fairly agreed to permit said counsel to verify the records. Accordingly, said counsel was permitted to verify this record. Thereafter, 2-3 adjournments were obtained and on 25.1.2016 when adjournment was sought, again it was opposed by learned Addl.P.P.. Thereafter, the matter has been listed before this Court on 8.2.2016. On that day, Shri Bhat learned earlier counsel for the petitioner tendered some affidavits.

Today, we have heard respective learned counsel for the parties.

Learned Addl.P.P. for the state Shri S.M. Uike submits that summary can be submitted immediately and it has been withheld because of pendency of the matter.

Perusal of affidavit shows that effort on the part of the witnesses to urge that so-called enemies of one Vinayak Tukaramji Hivare have eliminated the deceased. Learned Addl.P.P. submits that material collected during the investigation does not support any such inference.

As investigation is over and respondent No.1 is in a position to file appropriate report in the Court of JMFC, we direct respondent No.1 to file that report immediately with previous intimation to the petitioner.

It is open to the petitioner to raise appropriate grievance in relation to such report before that Court.

Needless to mention that all contentions being raised by learned counsel for the petitioner Shri N.S. Bhat are kept open for its due consideration by the competent Court at appropriate juncture.

With these directions, we dispose of the criminal writ petition. No costs.

JUDGE

JUDGE

!! BRW !!

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