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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1077 OF 2017

Mohammed Ishtiaque Ebrahim Bagban ..Petitioner.

V/s.

API Nitin Kumar Kamble & Ors. ..Respondents.

Mr.S.R.Panse i/b. Mr.Sarfaroze Khalife for the petitioner.

Mrs.M.M.Deshmukh, APP for the respondent-State.

Mr.J.G.Avalkar, PI. Sir J.J. Marg Police Station – present.

***CORAM: NARESH H. PATIL AND
NITIN W.SAMBRE, JJ.***

DATE : DECEMBER 21, 2017

PC.:-

It is submitted by the counsel for the petitioner that on a complaint lodged, F.I.R. No.170/2014 came to be registered for an offence punishable under section 392 read with 34 of the Indian Penal Code against one Shankar Tukaram Jhore and two other unidentified persons. The police thereafter conducted investigation and filed charge-sheet in the year 2014 against three accused persons. The grievance of the learned counsel for the

petitioner is that police had seized CCTV footage and the camera used by the complainant, but failed to produce necessary material before the trial Court along with the charge-sheet. The prosecution was asked to file an application for further investigation before the trial Court. The petitioner expects the investigating agency to conduct investigation fairly and place before the Court correct and necessary material.

2. We have perused the report submitted by the investigating officer in the Magistrate's Court on January 22, 2016 which refers to collection of articles and use of camera and C.Ds. The learned APP, on instructions from the investigating officer, submits that necessary application in this regard shall be submitted within two weeks from today under section 173(8) of the Criminal Procedure Code for obtaining necessary orders and thereafter, the investigating officer would conduct further investigation and submit a supplementary charge-sheet in the Court expeditiously.

3. We clarify that this Court has not expressed any

opinion on the merits of the case. The Magistrate may pass orders in accordance with law.

4. The petition is disposed of with the above directions.

(NITIN W.SAMBRE, J.)

(NARESH H.PATIL, J.)