

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.715 OF 2015

Rudolph Anthony Lima and Others. .. Applicants

Vs

The State of Maharashtra and Another. .. Respondents

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Shri Sayaji Dadu Nangre along with Shri Ranjeet M. Pawar for the Applicants.

Shri K.V. Saste, APP for the Respondent No.1.

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CORAM : A.S. OKA &
SMT.ANUJA PRABHUDESSAI, JJ

DATED : 24TH MARCH 2017

PC.

1. The order dated 2nd February 2017 makes it clear that the Court had called upon the learned APP to take instructions about the present status of investigation. It was pointed out that though First Information Report was registered in the year 2006, chargesheet is not yet filed. The said order makes it clear that on merits, this Application cannot be entertained in view of the earlier order dated 2nd February 2008.

2. As per the directions of this Court, the Deputy Superintendent of Police, State CID, Nashik Division, has submitted a report. It is pointed out that there are about 198 accused persons.

Therefore, the investigation is taking time. He has pointed out that there are many technical and legal aspects on the investigation. It is stated that a legal opinion is also sought. The report assures the Court that it will be ensured that a final report is filed at the earliest.

3. We have perused the said report submitted by the Deputy Superintendent of Police as well as another detailed report dated 24th March 2017 submitted by the same Officer. The magnitude of the investigation required to be carried out is mentioned in the second report. The report states that 22 accused have been arrested and 78 have been protected by the pre-arrest bail. It is stated that apart from the assistance of the legal advisor, even forensic auditor's assistance is required.

4. The offence has been registered in the year 2006. The process of investigation appears to be complicated considering the nature of accusations. However, we cannot ignore that the First Information Report is registered in the year 2006. Considering the magnitude of the investigation, as of today, it is not possible for us to exercise extra-ordinary power under Section 482 of the CrPC of quashing the FIR. However, the investigation has to be completed within a reasonable time considering the fact that 11 years are already over from the date of registration of the offence.

5. Therefore, we decline to entertain this Application. The Application is rejected.

6. If final report is not filed on or before 31st October 2017, it will be open for the Applicants to file a fresh Application for quashing on the ground of delay. We, however, make it clear that we have made no adjudication on the issue whether the delay is inordinate or not. We also make it clear that we have not recorded a conclusion that if investigation is not completed on or before 31st October 2017, the case for quashing will have to be considered on the ground of delay. All these issues are kept open for consideration on the Application which may be filed by the Applicants.

(SMT.ANUJA PRABHUDESSAI, J)

(A.S. OKA, J)