

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. 2837 OF 2017**

**Ketan Anil Shah**

**..Petitioner**

**Vs.**

**The State of Maharashtra & Anr**

**..Respondents**

**Mr. Sandeep Karnik for the Petitioner**

**Mr. V. B. Kondedeshmukh Addl P. P. for the Respondent State**

**Mr. Arvind Lakhavat a/w Ms Aditi Shukla i/b Crawford Bayley & Co. for the Intervenor**

**CORAM :R. M. SAVANT, &  
SANDEEP K. SHINDE, JJ**

**DATE : 11<sup>th</sup> AUGUST, 2017**

**P.C.**

1           The principal relief sought in the above Criminal Petition is quashing and setting aside the order dated 26-4-2017 passed by the Learned Metropolitan Magistrate, 22<sup>nd</sup> Court Andheri, Mumbai, rejecting the objection Petition filed by the Petitioner in respect of the C-Summary report submitted by the Investigating Agency. A preliminary objection is raised by the Learned APP as regards the maintainability of the above Criminal Writ Petition having regard to the relief sought as above, on the ground that remedy by way of a revision is available to the Petitioner. We find substance in the said preliminary objection raised by the Learned Addl. PP, in so far as the relief vide prayer clause (b) and (c) are concerned, we are of the view that the Petitioner would have to avail of remedy by way of the revision before the Sessions Court. In so far as prayer clauses (d) and (e) are concerned, we express no

opinion in respect of the reliefs sought and keep the avenue open for the Petitioner for seeking the said reliefs at the appropriate time. Needless to state the contentions in respect of the prayer clauses (d) and (e) are kept open for being urged at the appropriate time. The above Criminal Writ Petition is accordingly dismissed.

**[SANDEEP K. SHINDE, J]**

**[R.M.SAVANT, J]**