

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3957 OF 2015

Mr. Hashim Adam YetePetitioner
V/s.
The State of Maharashtra & Ors.Respondents

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Mr. U.A. Ghawte, Advocate for the petitioner.

Mrs. S.V. Sonawane, APP for the respondent, State.

CORAM :- **R.M. SAVANT &**
SANDEEP K. SHINDE, JJ.
DATE :- **24TH AUGUST, 2017.**

P.C. :-

1. By the above writ petition, the petitioner, inter-alia, seeks reliefs, of directing the respondents to arrest, accused Shravankumar Agarwal and Vinay S. Agarwal, who are accused nos.2 and 3 in C.R. No. 137 of 2015 registered with Vashi Police Station on 25th March, 2015.

The second relief sought is of setting aside the bail order of accused no.1, Sirishkumar Rangrao Chavan passed by the Learned Judicial Magistrate First Class, Vashi on 10th September, 2015. Having regard to the aforesaid prayers, we are afraid, we would not be in a position to grant the said prayers in the above proceedings filed under Article 226 of the Constitution of India and Section 482 of the Criminal Procedure Code. Upon this, the Learned Counsel appearing on behalf of the petitioner would seek to submit that the petitioner seeks leave to amend so as to incorporate a prayer that the persons who have not been arrayed as accused, be so arrayed. We are afraid, we would not be in a position to grant such a prayer also even if the petition was allowed to be amended. It is for the petitioner to invoke the appropriate statutory remedy, which is available under the Criminal Procedure Code since the chargesheet has already been filed by the investigating agency. If any application has been filed for further investigation by the petitioner, the

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Thursday, 24.8.2017

same would be disposed of expeditiously by the concerned
Learned Judicial Magistrate First Class. With the
aforesaid observations, the writ petition is disposed of.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)