

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 4450 OF 2016

Vinod G. Kevadia.

..Petitioner.

Versus

State of Maharashtra.

..Respondent.

Mr. A. M. Sarogi for the Petitioner.

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

Coram : Ranjit More &
M. S. Karnik, JJ.

Date : **February 3, 2017.**

P. C. :

1. The sole grievance made in this writ petition is that diamonds recovered from Vijaybhai Vallabhbhai Sonani and M/s. Surat Diamond Merchants Association are not recovered under panchanama and if recovered under the panchnama, copy of the same is not given to the Petitioner.

2. Learned APP having taken instructions from the officer concerned states that investigation in the subject FIR is complete and charge-sheet is already filed wherein the Petitioner is one of the accused persons. She submitted that charge-sheet includes copies of the panchnama dated 25th January 2014 and 21st February 2015 under which diamonds were recovered from the aforesaid persons. She further submitted that copy of the charge-sheet could not be given to the Petitioner as he was not present before the Court when charge-sheet was presented

before the concerned Magistrate. Mr. Sarogi, learned Counsel appearing for the Petitioner having taken instructions disputed this statement. He submitted that the Petitioner was present in the Court on the date of filing of charge-sheet pursuant to the notice and the Petitioner has given fresh bail on that day. He further submitted that however copy of the charge-sheet was not given to the Petitioner as the additional sets of charge-sheet was not filed by the Investigating Officer. In above circumstances, learned APP states that additional sets of charge-sheet would be filed before the concerned Magistrate within a week from today. The Petitioner thereafter is at liberty to take copy of the charge-sheet by remaining present before the concerned Magistrate. In the circumstances, petition is disposed of. The concerned Magistrate is, however, directed to keep the said diamonds in safe custody.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]