

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 243 OF 2016

Gulam Rasul Haji Abdul Rasul. ..Petitioner.
Versus
State of Maharashtra. ..Respondent.

Mr. Ganesh K. Gole for the Petitioner.
Mrs. S. D. Shinde, APP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.
Date : **August 21, 2018.**

P. C. :

1. Heard the learned counsel for the Petitioner and learned APP for the Respondent-State. The petition is filed seeking direction to re-investigate the subject crime bearing CR No.231 of 2014 registered with APMC Market, Vashi, police station for the offence punishable under sections 408, 420, 467, 468, 471, 379 and 120B read with 34 of the Indian Penal Code, 1860. It is alleged in the FIR that accused no.2 has stolen a cheque belonging to the Petitioner bearing No.548903 for an amount of Rs.41 lakh and got the same encashed from a dummy account of accused no.3. The investigation reveals that accused no.3 gave this amount to accused no.6. The police accordingly arrested accused nos.1 to 5. However, accused no.6 is absconding. The charge-sheet against accused nos.1 to 5 is already filed with liberty to

investigate further under section 173(8) of the Code of Criminal Procedure, 1908.

2. On the last occasion, i.e., on 7th April 2017, the learned counsel for the Petitioner made a grievance about non arrest of accused no.6 and about non recovery of an amount of Rs.41 lakh from the said accused. At that time, a statement was made by learned APP that efforts are being made to trace accused no.6. In the light of said statement, we directed the DCP Zone-I to supervise the investigation.

3. Today, learned APP placed on record the reports dated 27th March 2018 and 20th August 2018. These reports show that efforts are being made to trace the absconding accused no.6. Learned APP, on instructions, made a statement that as soon as accused no.6 is apprehended, a supplementary charge sheet will be filed against accused no.6. Statement is accepted. In the light of the statement and since more than 4 years have lapsed from the date of registration of FIR, in our opinion, this writ petition need not be kept pending and the same is accordingly disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]