

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2082 OF 2016**

Mr.Anil Jagdishchandra Patel & Anr. ...Petitioners

Versus

State of Maharashtra & Anr. ...Respondents

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Mr.Vijay G. Kesarkodi for the Petitioners.  
Mrs.Prajakta Shinde, APP for Respondent No.1-State.  
Mr.Abhijeet Kale, PSI, L.T. Marg, Police Station.

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**CORAM: MRS.MRIDULA BHATKAR, J.  
DATED: OCTOBER 31, 2018**

**P.C.:**

1. Rule. Rule made returnable forthwith. By consent of the parties, the Petition is heard finally and disposed of at the stage of admission.
  
2. This Petition is directed against the order dated 16<sup>th</sup> May, 2016 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Gr. Bombay thereby dismissing Criminal Revision Application No. 105 of 2016 and confirming the order dated 9<sup>th</sup> May, 2013 passed by the learned Chief Metropolitan Magistrate Court, Esplanade, Mumbai.

3. The petitioners are the original complainants, who were injured on 11<sup>th</sup> October, 1997. The offence was registered under Section 324 of the Indian Penal Code. The learned counsel for the petitioners and the learned APP are not in a position to tell the date of filing of the chargesheet. However, Criminal Case No. 181/P/2005 had been registered. It shows that the chargesheet was definitely filed in the year 2004 or 2005. It shows that there is a delay in filing the chargesheet. However, an application for further investigation under Section 173 (8) of the Code of Criminal Procedure was filed by public prosecutor. *Ex facie*, as the application for further investigation was filed by either of the prosecution or by the applicant after 15 years, it should have been summarily dismissed by the trial Court. By order dated 9<sup>th</sup> May 2013, the learned Judge of the trial Court gave detailed reasoning for dismissal of such application, which is rightly confirmed by the learned Additional Sessions Judge by order dated 16<sup>th</sup> May, 2016. No illegality is seen. Hence, no interference is required in the order dated 16<sup>th</sup> May, 2016 passed by the learned Additional Sessions Judge, City Civil and Sessions Court, Gr. Bombay.

4. Rule is discharged. Writ Petition is dismissed.

**(MRIDULA BHATKAR, J.)**