

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

CRIMINAL WRIT PETITION NO.4138 OF 2016

Mrs. Jane D'Mello : Petitioner.
Versus
Office of Hon'ble Dy. Commissioner
of Police Zone XI, Boriwali Police Station
Borivali (W), Mumbai and ors. : Respondents.

Mr. Nilesh Soni i/by Mr. D D Singh for the Petitioner.
Mrs. M M Deshmukh Addl. PP for the Respondent/State.
Mr. A N Dongare, Malwani, PSI, Police Station, present.

CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.
DATE : 20th MARCH 2018

P.C.

1 An affidavit has been filed on behalf of the Investigating Agency i.e. Malwani Police Station, Mumbai by Dr. Ashok Maruti Dongre – Police Sub Inspector attached to the said police station. It is stated in paragraph 4 on page 4 of the said affidavit that there is no evidence against the four accused persons viz. Vishwanath K Shetty, Hari Mittal Yadav, Suresh D Waghmare and Balbirsing Gabbir Singh Purohit. The learned Additional Public Prosecutor Mrs. M M Deshmukh states that “A” Summary report would be filed in the Trial Court in respect of the said four persons. In the last paragraph on page 5 of the said affidavit it has been stated that accused Kush Ruka Amin has died on 14/11/2017 and therefore “A” Summary with the mention that the said accused Kush Ruka Amin has died would be filed which is referred to in the

affidavit as “Abated Summary”.

2 In view thereof it is not necessary to keep the above Writ Petition pending. It would be open for the Petitioner to take appropriate recourse against the “A” Summary that would be filed by the police. With the observations as afore-stated, the above Writ Petition is disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]