

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CRIMINAL APPELLATE JURISDICTION*****CRIMINAL WRIT PETITION NO.3450 OF 2017**

Mr. Adimulam Ramaswami Harijan.] ... Petitioner

Versus

State of Maharashtra & Ors.] ... Respondents

Mr. Khalid N. Khan for Petitioner.

Mr. Ajay Patil, APP for State.

CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.

DATE :- 23 APRIL, 2018

P. C. :-

1. The above Writ Petition has been filed for quashing of the FIR being C.R.No.299 of 2013 registered with the Kurar Police Station, Mumbai, for the offences punishable under Sections 509 and 506 read with Section 34 of the IPC. The Petitioner also seeks quashing of the charge-sheet bearing no.1455/PS/2013 filed by the investigating agency pursuant to the investigation which was carried out in respect of the said FIR. The quashing of the charge-sheet is sought by raising the defence of *alibi* namely that the Petitioner was in

the State Bank of India at the relevant time with the co-accused. In support of the said case, reliance is sought to be placed on the letter addressed to the co-accused Rajkumari Desing dated 01/11/2013 by the State Bank of India informing her that she was, along with one Mr. Adhi Moolam Ramaswami, visited the branch on 09/10/2013 at 11.30 a.m. to withdraw money from the account and left the branch at 12.05 p.m. on the same day. The said information has been provided pursuant to the application made by the said Rajkumari Desing which is at page 21 of the Petition. In the said application, the Applicant has herself mentioned that she had visited the bank along with Mr. Adhi Moolam Ramaswami i.e. the Petitioner herein. It is in the said context that the said reply dated 01/11/2013 has been addressed to the Applicant i.e. the co-accused Rajkumari Desing.

2. We, at this stage, cannot go into the veracity of the said claim made by the Petitioner. We are of the view that various factual aspects would have to be gone into before the said claim can be accepted or rejected. It is required to be noted that the charge-sheet has been filed with the material on record which has been uncovered during the course of the investigation. We, therefore, restrain

ourselves from exercising our writ jurisdiction for quashing of the charge-sheet. The Writ Petition is accordingly dismissed. The trial is, however, expedited.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)