

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.533 OF 2019

Mahadeo S/o Kondiba Shinde,
Age 64 years, Occu. Pensioner,
R/o Rameshwar Road, Sautada,
Tq. Patoda, District Beed.

... **Petitioner.**

Versus

1. The State of Maharashtra,
Through its Secretary,
Department of Home Affairs,
Mantralaya, Mumbai.
2. The Superintendent of Police,
Beed.
3. The Police Inspector,
Shivaji Nagar Police Station,
Beed, Dist. Beed.
4. Ganesh S/o Shrimant Pawar,
Age 32 years, Occu. Service as
(Police Constable).
5. Aruna W/o Shrimant Pawar,
Age 61 years, Occu. Household,
6. Ramesh S/o Shrimant Pawar,
Age 28 years, Occu. Nil.
7. Sonali Ramesh Pawar,
Age 23 years, Occu. Household,
All R/o Opp. K.S.K.Collage,
Beed, Tq. & Dist. Beed.

... **Respondents.**

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Mr. G.R.Syed, Advocate for Petitioner.
Mr. S.B.Joshi, APP for Respondents-State.

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**CORAM : T.V.NALAWADE AND
MANGESH S. PATIL, JJ.**

DATE : 05.04.2019

ORAL JUDGMENT :-

1. Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2. In the matter like present one, there is no need to give notice to the other respondents / accused, as they are not involved in such matters.

3. Prayer is made for giving direction to respondent, Investigating Agency and the State to make de-novo investigation in Crime No.758 of 2018 registered with Shivaji Nagar Police Station, District Beed. It appears that the petitioner is not satisfied with the investigation made and he wants to show that there is some more material which needs to be collected in the matter. As after making investigation, the Investigating Agency filed the charge-sheet against the accused for the offences punishable under Sections 498-A, 306, 323, 504, 506 read with Section 34 of the IPC and the case is committed to the Court of Sessions, the Trial Court / Sessions Court has ample powers and if the Trial Court finds

that some material needs to be brought on record, it can take steps suo motu also. In other cases, the investigating agency can request the Court for permission to make further investigation of the matter and that recourse also can be used by the present petitioner by applying through the Prosecutor appointed in the said case.

4. With these observations, present proceeding is allowed and disposed of.

(MANGESH S. PATIL, J.)

(T.V.NALAWADE, J.)

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vmk/-