

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

WRIT PETITION NO.633 OF 2019

Shailesh Chandrakant Naik and Anr. ...Petitioners
vs.
The State of Maharashtra and Ors. ...Respondents

Mr. R. M. Upadhyay for the Petitioners.
Mr. K. V. Saste, APP for the Respondent/State.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 07/03/2019.**

P.C.:

. Efforts of learned counsel for the petitioners is to show that eye witnesses were and could not have been at the site of murder. Learned counsel states that the petitioners/accused persons are in jail and after collecting necessary material they have attempted to point out the same to police with request to look into it. That request has not been accepted. Learned counsel adds that said material since clinching cannot be lost sight of and law does not give petitioner any opportunity as charge sheet is already filed.

2. Learned APP is opposing this submission. He states that charge-sheet is already filed and the petitioners cannot at this stage be permitted to seek direction for further investigation.

3. Petitioners are accused persons. In this situation, without prejudice to their right to press material, if any, in their favour before the trial Court at appropriate juncture and keeping their contentions open, we refuse to intervene in the matter at this juncture.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)