

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4980 OF 2015

Vinodkumar Kanabar ... Petitioner

Versus

State of Maharashtra and Anr. ... Respondents

Adv Maitreya Girish Shukla for the Petitioner.

Mr.K.V. Saste, APP for the respondent State.

Mr. Shantilal D. Jadhav, A.C.P. Pydhonie Division present.

**CORAM : B.P. DHARMADHIKAKRI &
REVATI MOHITE DERE, JJ.**

DATE : JANUARY 15, 2019

P.C.:

Heard counsel for the petitioner. Learned APP appears for respondent no. 1. Respondent no.2 is present in person. We need not delve more into the controversy because this court on 18/10/2016, while issuing notice in the matter has directed not to file chargesheet. Further investigation under section 173(8) of Cr.P.C. is therefore, completed. Learned APP upon instructions from the I.O. Mr.Jadhav informs that after further investigation "C" summary is being filed. Counsel for the petitioner points out that earlier also i.e. before further investigation was ordered, police had

submitted "C" summary only.

2. Respondent no.2 complainant in person, has objected to "C" summary.

3. The right procedure prescribed by law therefore, needs to be followed. We permit I.O. to file "C" summary with advance intimation to respondent no. 2 within four weeks from today. If such "C" summary is filed, it is open for respondent no.2 to lodge his protest note thereafter as per law. If such protest note is filed, learned trial court shall proceed further with the matter as per law and take suitable decision upon it. Keeping all the contentions of the parties open, we dispose of the present petition.

(REVATI MOHITE DERE, J.) (B.P. DHARMADHIKARI, J.)