

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

CRIMINAL WRIT PETITION NO.5115 of 2018

Bhavika Chaugh

...Petitioner

vs.

The State of Maharashtra and Ors.

...Respondents

Mr.Samarth R. Moray for the Petitioner.

Mr. Deepak Thakre, PP a/w Mr. A. D. Kamkhedkar, APP for the Respondent-State.

Mr.Mohan Patil, PI Dharavi P.stn.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 11/01/2019.**

P.C.:

. Heard learned counsel for the petitioner. Perused the order dated 30/11/2018. Learned APP pointed out that accordingly Deputy Commissioner of Police, Port Zone, Mumbai has submitted report in sealed envelope.

2. Two sealed envelopes containing copies are produced for Court's perusal. Report dated 20/2/2018 is perused by us. Report shows due consideration of material on record and even fact that against other persons sought to be impleaded as accused, there is no material.

3. Report looks into statements of Mr. Arjun Verma and Rajkumar and it is observed that these two witnesses claimed that they have seen Azim Munir Khan and Rajesh Dinkar More in rickshaw along with victim in 2015 near Bharat talkies. Report concludes that except written statement given by victim there is no material against 5 persons sought to be added.

4. In the medical report submitted by victim along with her statement dated 10/2/2018, there is no mention of administration of any intoxicant.

5. Learned APP has invited our attention to the fact that in statement recorded on 28/3/2018, in supplementary statements dated 31/3/2016 and 11/4/2016 victim has not disclosed those names. Those names appear for the first time in report made on 29/7/2016 to Senior inspector of police. Victim claims therein that when she lodged report police officer told her not to disclose their names as those persons were influential. Thus, contention that she for the first time learnt in July 2016 that these names were deliberately omitted by police personnel appears to be incorrect.

6. In this situation, we find that during trial only after appropriate material comes on record the Trial Court can under section 319 of Cr.P.C. take suitable steps. We are therefore not inclined to intervene at this stage in extra ordinary jurisdiction. Accordingly, we dismiss the Writ petition. Report be kept as part of record in sealed envelope.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)