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

CRIMINAL WRIT PETITION NO.4688 OF 2018

Rajesh Kumar ...Petitioner
Versus
The Deputy Commissioner of Police and Anr. ...Respondents

***WITH
CRIMINAL APPLICATION NO.543 OF 2018
IN
CRIMINAL WRIT PETITION NO.4688 OF 2018***

Vijay Kumar Hegde ...Intervener

IN THE MATTER BETWEEN

Rajesh Kumar ...Petitioner
Versus
The Deputy Commissioner of Police and Anr. ...Respondents

Mr.Niranjan Mundargi a/w Mr.Vikrant Negi i/b Ms.Sartaj Shaikh, for the
Petitioner.

Mr.S.V.Marwadi i/b Ms.M.A.Ingale, for the Applicant/Intervener.

Mr.K.V.Saste, A.P.P. for the Respondent - State.

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

DATE : 22nd JANUARY, 2019

P.C. :

1. Heard learned counsel for the Petitioner, learned counsel for the proposed intervener and learned A.P.P.
2. Perused the order dated 31st October, 2018 passed by this Court and orders of the Hon'ble Apex Court dated 26th November, 2018, 10th December, 2018 and 14th January, 2019.
3. By earlier orders, Petitioner was directed to participate in investigation and he was asked to appear within a period of two weeks before the Investigating Officer. By the later order dated 14th January, 2019, after taking note of the fact that though non-bailable warrant and proclamation issued against the Petitioner was stayed by the High Court, the look-out notice dated 11th October, 2016 was not stayed. The Hon'ble Apex Court, therefore, stayed that look-out notice also. In that order the Hon'ble Apex Court has observed that stay is on the undertaking of applicant before it, that he would join and continue with the on-going investigation within a period of four weeks.

4. The parties therefore point out that the entire controversy involved in the matter is now over.

5. In this situation, we allow the prayer for intervention. The Applicant – Intervener be added as party-respondent by carrying out necessary amendment within two weeks.

6. As we find that in view of the undertaking and order dated 14th January, 2019, passed by the Hon'ble Apex Court, the controversy does not survive, we dispose of the challenge as infructuous.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.