

Mr. P.D. Bachate, Advocate for petitioners.
Mr. M.M. Nerlikar, APP for respondent-State.
Mr. A.S. Sakhare, Advocate holding for Mr. V.D. Salunke and Mr. M.V.

Nagargoje, Advocates for intervenor.

WITH
CRIMINAL WRIT PETITION NO. 1054 OF 2018
WITH
CRIMINAL APPLICATION NO. 2748 OF 2018 IN
CRIMINAL WRIT PETITION NO. 1054 OF 2018

Girdhar s/o Shivaji Solanke

Petitioners

Versus

The State of Maharashtra & others

Respondents

Mr. P.D. Bachate, Advocate for petitioners.
Mr. M.M. Nerlikar, APP for respondent-State.

WITH
CRIMINAL WRIT PETITION NO. 1056 OF 2017
WITH
CRIMINAL WRIT PETITION NO. 1052 OF 2017
WITH
CRIMINAL WRIT PETITION NO. 1130 OF 2018

...

**CORAM : T.V. Nalawade &
M.G. Sewlikar, JJ.**

DATE : 12th January, 2021.

PER COURT :

1. This Court has carefully gone through the record and

various orders passed by this Court. Submissions were made by learned APP and learned counsel Shri Bachate in respect of the present stage of the matters.

2. Criminal Application no. 1054/2018 is filed for relief of direction to arrest the main accused. It appears that subsequent to filing of the proceeding, the accused came to be arrested. Few months back, accused got bail from the Honourable Supreme Court. In view of these circumstances, Criminal Application No. 1054/2018 has become infructuous and stands disposed of accordingly.

3. Criminal Writ Petition No. 879/2017 is filed seeking directions. There are many kinds of directions. Most directions can be found in clause Nos. B and C. The other directions cannot be given on criminal side of this Court. Directions B and C mentioned in Criminal Writ Petition No. 879/2017 directly and indirectly involve registration of crime for alleged offence of taking loan in the name of the farmers behind their back from the bank. It is alleged that by using that modus operandi, the amount was collected in the name of the farmers and misappropriated by the accused. It is submitted that after making investigation in the crime, two charge-sheets are

filed which include one supplementary charge-sheet. This, the purpose of this proceeding is over. It will be upto the trial Court now to ascertain as to what can be done in the said matter.

4. Criminal Writ Petition No. 607/2019 is filed seeking directions for further investigation and transfer of investigation. Learned counsel for the petitioner submitted that such directions are expected under Section 173(8) of the Code of Criminal Procedure. During argument, learned counsel Shri Bachate submitted that the trial Court has already made order for further investigation under Section 173(8) of the Code of Criminal Procedure. If such direction is already issued by the trial Court, then this Court is not expected to make more order for the same purpose. In any case, the trial Court is expected to see as to whether there is necessity of further investigation though the power is vested with the Investigating Agency. It is always open to the Investigating Agency to make further investigation, if required. In view this, this Court holds that Criminal Writ Petition No. 607/2019 has become infructuous and no more order needs to be made. Criminal Writ Petition No. 607/2019 is also disposed of as infructuous.

5. Thus, Criminal Application No. 1054/2018, Criminal Writ Petition Nos. 879/2017 and 607/2019 stand disposed of as infructuous. Connected applications in these three proceedings are disposed of.

6. Registrar (Judicial) to inform the trial Court about disposal of these matters so that the trial Court can make progress in the matter.

7. Other proceeds be listed on 26th February, 2021.

(M. G. SEWLIKAR)
Judge

(T.V. NALAWADE)
Judge

dyb