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criwp1590.20

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 CRIMINAL WRIT PETITION NO.1590 OF 2020

**HARSHAL S/O. KAILASHRAO ZAREKAR
VERSUS
THE STATE OF MAHARASHTRA**

Mr. Shyam C. Arora, Advocate for the petitioner
Mr. S. P. Sonpawale, APP for the respondent/State

CORAM : N. R. BORKAR, J.

DATE : 26-11-2021

P. C.

. This petition takes an exception to the order dated 29-09-2020 passed by the learned Additional Sessions Judge, Aurangabad in special MPID Case No. 10 of 2019.

2. The petitioner who is complainant in the aforesaid case, had filed an application for further investigation at Exh.32.

3. The learned Additional Session Judge rejected the said application by the order impugned by recording the submission of the investigating machinery that the investigation of the crime in

question is still going on.

4. Admittedly, after passing of the order impugned supplementary charge-sheet came to be filed in the matter.

5. The learned counsel for the petitioner submits that still no proper investigation is carried out.

6. The application at Exh. 32 was rejected as further investigation at that time was still going on and admittedly thereafter supplementary charge-sheet came to be filed. After filing of supplementary charge-sheet no application came to be moved seeking further investigation. If according to the petitioner, even after filing of supplementary charge-sheet, there is a need for further investigation, then he needs to move an application before the learned trial court as no fault can be found with the order impugned.

7. In view of this following order is passed:

ORDER

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i. The petitioner is at liberty to file fresh application before the trial court for further investigation.

ii. If such application is filed, the learned trial court shall endeavour to decide the said application as early as possible and in any case within three months from the date of filing of such application.

iii. The writ petition is disposed of.

[N. R. BORKAR, J.]