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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO.882 OF 2021

IN

CRIMINAL APPLICATION NO.463 OF 2013

The State of Maharashtra .. Applicant

v/s.

Sanjay Nirmal Nopany And Anr. .. Respondents

....

Ms. Nupur Mukherjee, i/b. N.N. Vaishnawa & Co., for the Applicant.

Mr. J.P. Yagnik, APP, for Respondent State.

....

CORAM: NITIN JAMDAR &
SARANG V. KOTWAL JJ.

DATE : 23 NOVEMBER 2021.

P.C:-

Heard learned Counsel for the parties.

2. By order dated 6 May 2013, while issuing notice, this Court directed the Investigating Officer to continue with the investigation, but shall not submit a final report/charge-sheet without the leave of the Court. Thereafter, it appears that the matter has been adjourned from time to time. When the matter came up on board on 11 July 2016 on an application filed by the State, the Court opined that the main application itself can be taken up for hearing. However, the

main application has not been heard and charge-sheet, which we have informed that is ready, is not being filed. According to us, the state of affairs need not continue as even if the charge-sheet is filed, the Applicant can always, if so advised, challenge the charge-sheet so filed and, thus, is not prejudiced.

3. Accordingly, we dispose of this interim application by granting leave contemplated in the order dated 6 May 2013 to the Investigating Officer to file a charge-sheet. After the copy is supplied, leave is granted to the Applicant to amend Application No.463 of 2013 to annex the charge-sheet to carry out necessary averments and incorporate the prayer.

4. Add the application to the board of final hearing in the week commencing from 3 January 2022.

5. Interim Application No.882 of 2021 is, accordingly, disposed of as above.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)