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

CRIMINAL WRIT PETITION NO.168 OF 2021

Sanjana Sanjay Kotawdekar & another ... Petitioners

Vs.

State of Maharashtra & others ... Respondents

Ms.Dhanlaxmi Iyer for the Petitioners

Ms.Sangeeta Shinde, APP, for Respondent – State

**CORAM: S.S. SHINDE &
N.J. JAMADAR, JJ.**

**JUDGMENT RESERVED ON: SEPTEMBER 2, 2021
JUDGMENT DELIVERED ON: SEPTEMBER 14, 2021**

JUDGEMENT (PER S.S. SHINDE, J.):

1. This Petition is filed seeking directions with the following prayers:

“(a) To issue a Writ of mandamus or a Writ in the nature of Mandamus, or any other appropriate writ or order or direction under Article 226 of the Constitution of India, to the Respondents, ordering and directing the respondents jointly and/or severally to produce all the records of F.I.R. No.258 of 2019 dated 11.9.2019, P.S. Bhoiwada, Mumbai-12 before this Hon’ble Court and on the basis of the same, this Hon’ble Court may be pleased to monitor the investigation from time to time, to ensure that no person guilty of any of the offences is able to escape the clutches of law and that the investigation is carried out as expeditiously as possible in a free and fair manner;

(b) To further direct Respondent No.2 to initiate appropriate proceedings against Respondent No.3, for the aforesaid unwarranted inactions and silence to not to proceed with the investigations in timely manner after the said F.I.R. was registered on 11.9.2019;”

2. Pursuant to the notices issued to the respondents, Ms.Shinde, the learned APP appearing for the Respondent – State, has filed a report of the Investigating Officer. Upon perusal of the said police report, it appears that the Investigating Officer has investigated into the allegations and filed chargesheet before the Court of Metropolitan Magistrate, 29th Court, Dadar, Mumbai. It appears from the report submitted by the Investigating Officer that the accused, namely, Dhondiba Sopan Walke was issued notice under section 41-A(1) of the Code of Criminal Procedure, however, the said accused did not appear before the concerned police officer. Therefore, the Investigating Officer visited the place of his employment i.e., Garbage Disposal Section, Brihanmumbai Mahanagarपालिका, Mumbai and his custody was taken by the Investigating Officer. He was produced before the concerned Magistrate on 17th November, 2019. The concerned Magistrate passed an order sending the accused to police remand till 19th November, 2019. Subsequently, he was released on bail. On 12th

December, 2019, chargesheet was filed before the Metropolitan Magistrate, 29th Court, Dadar, Mumbai. It appears that this petition is filed on 24th November, 2020 and by that time, investigation was over and in the year 2019 itself, chargesheet came to be filed.

3. Therefore, in our considered view, no further directions are necessary since the chargesheet is already filed.

4. Hence, this petition is disposed of accordingly.

(N.J. JAMADAR, J.)

(S.S. SHINDE, J.)