

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

CRIMINAL ANTICIPATORY BAIL APPLICATION NO. 1938 OF 2019

Vishal Suresh Shinde	... Applicant
V/s.	
The State of Maharashtra	... Respondent

Mr. Rahul Khot i/by Mr. Abhishek R. Avachat for Applicant.
Mr. Y. M. Nakhawa, A.P.P. for Respondent-State.
Mr. Sachin Pawar, PSI, Bundgarden Police Station, Pune City.

CORAM : A.S. GADKARI, J.
DATE : 4th September 2021.

PC. :

1. In pursuance of Order dated 21st August 2021, learned APP has produced before this Court a summary report dated 6th July 2020 filed by the Investigating Officer in the Court of learned Judicial Magistrate, First Class, Lashkar Court, Pune. Investigating Officer in his final report under Section 173 (2) of the Cr.P.C. has stated that, during the course of investigation, no sufficient evidence was found against the Applicant and therefore, non-cognizable/N.C. summary be granted in the said case.
2. Learned APP is unable to justify filing of non-cognizable/N.C. summary after conclusion of investigation and at the time of filing of final report under Section 173(2) of the Cr.P.C. It appears that, the concerned

Investigating Officer without taking legal advice in that behalf has submitted the said summary report.

Learned APP submitted that, it ought to have been 'C-Summary' and not non-cognizable/N.C. summary, which the Investigating Officer has filed. He submitted that, necessary amendment/rectification in the final report dated 6th July 2020 will be submitted by the concerned Investigating Officer before the learned Judicial Magistrate, First Class, Lashkar Court, Pune. The said statement is accepted.

3. As the Police after completion of investigation have found that, there is no evidence against the Applicant for the alleged commission of present crime i.e. C.R. No.192 of 2019 dated 9th May 2019, registered with Bundgarden Police Station, Pune City, under Sections 420 and 406 of the I.P.C., there is no question of arrest of the Applicant in the said crime. The apprehension of arrest of the Applicant therefore, now does not exist.

In view thereof, there is no need to pass further Orders in the present Application.

4. Application is accordingly disposed off in the aforesaid terms.

[A.S. GADKARI, J.]