

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITIN NO. 445 OF 2022

SAMEER BIN SAED CHOUS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Sudheer R. Zambare
APP for Respondents : Mrs. P. V. Diggikar

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CORAM : C. V. BHADANG AND
BHARAT P. DESHPANDE, JJ.
DATED : 8 JUNE 2022

PER COURT:-

By this petition under Article 226 of the Constitution of India, the petitioner, who is the original complainant/victim, is seeking direction to the second and the third respondent to invoke Section 307, 326, 143, 147, 149 and 120-B of IPC during investigation in the FIR bearing crime no. 51/2022 registered with Jinsi Police Station, Aurangabad.

2. Learned APP has produced the case papers, including the medical certificate of the petitioner/injured. Learned APP points out that the investigation is still in progress.

3. In such circumstances, we find that the petition cannot be entertained as the investigation is still in progress. Learned APP has rightly pointed out that the Investigating Officer has to decide at the conclusion of the investigation as to the nature of the offence to be invoked on the basis of the material collected during the course of investigation. In that view of the matter, the criminal writ petition is disposed off.

BHARAT. P. DESHPANDE, J.

C. V. BHADANG, J.