

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

952 CRIMINAL WRIT PETITION NO.938 OF 2021

MADHURI W/O. MANOJ CHAUDHARI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. S.V. Dixit, Advocate for the petitioner.
Mr. S.D. Ghayal, A.P.P. for respondent No. 1.

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CORAM : **V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 30-03-2022.

P.C. :

1. In compliance with the directions given in the order dated 16th March 2022, the learned A.P.P. submits that the Investigating Officer has now added Sections 143, 147, 148, 149, 427, 336, 379 of the Indian Penal Code in connection with Crime No. 224/2021 registered with Police Station, Ashti.

2. Learned A.P.P. submits that Mr. S.B. Wagh, Police Inspector of Local Crime Branch, Beed has unnecessarily referred the name of learned A.P.P. for adding those sections. Learned A.P.P. submits that he has merely conveyed the

observations made by this Court in the order dated 16th March 2022 and the oral directions.

3. We direct the said Police Inspector Mr. S.B. Wagh of Local Crime Branch, Beed to delete the said reference from the report. We accept that the learned A.P.P. has conveyed the observations made by us in the order dated 16th March 2022 and the Investigating Officer should not have referred the name of learned A.P.P. in his report. We are shocked to see that the Investigating Officer has referred the name of A.P.P. under whose direction he has added those sections. On the other hand, this Court has made query with the learned A.P.P. that despite the specific allegations why appropriate charges have not been levelled against the accused persons.

4. Learned Counsel for the petitioner submits that Section 120-B of the I.P.C. is not added. However, after completion of investigation it is open for the Investigating Officer to add the said section, if he finds evidence about conspiracy hatched by the accused persons in connection with the crime.

5. We are of the opinion that the purpose of filing of this criminal writ petition is now over. Nothing survives in this writ petition for further consideration. The Criminal Writ Petition is accordingly disposed of.

(SANDIPKUMAR C. MORE, J.)

(V.K. JADHAV, J.)