

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

WRIT PETITION NO.2357 OF 2022

Prabhakar Narhar Aklujkar

..... Petitioner

Vs.

The State of Maharashtra and Ors.

..... Respondents

Mr. Niranjan P. Shimpi for the Petitioner.

Mr. A. R. Kapadnis, APP for Respondent-State.

Mr. B. M. Deshmukh, API Vijapur Naka Police Station, Solapur.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 25th AUGUST 2022.

P. C.

1. By this petition, the petitioner seeks the following reliefs.

a) Issue appropriate Writ, order or direction directing the Respondents to :

i) add further accused persons in the array of FIR No.305/2018 (Exhibit 'B' hereto) in view of the judgment and order dated 16/7/2019 (Exhibit 'H' hereto) and petitioner's complaints (Exhibit 'K' hereto),

ii) carry out further investigation in said FIR No.305/2018 pursuant to rejection of their 'C' summary

report (Exhibit 'D' hereto), and

iii) take stern legal action against the wrong doers in accordance with law, in the interest of justice and in view of peculiar facts and circumstances of the case;

2. The grievance of the petitioner is that despite rejection of "C" summary report by the learned JMFC on 26/3/2022, no investigation has been carried out by the police.

3. Learned APP on instructions of Mr. B. M. Deshmukh, API, Vijapur Naka Police Station, Solapur states that the police after investigation would be filing chargesheet in the said case, within 4 weeks from today. Statement accepted. In lieu of this statement made by learned APP nothing survives as far as prayer clause (ii) is concerned.

4. As far as prayer clause (i) is concerned, the learned counsel for the petitioner does not press the said prayer at this stage. He however states that after the charge-sheet is filed, if so necessary, the petitioner be permitted to re-agitate the said

prayer/relief, by filing appropriate petition/application. Accordingly, as far as prayer clause (i) is concerned, we make it clear that we have not gone into the said prayer clause (i). Needless to state, that the petitioner is at liberty to file an appropriate application/petition in accordance with law, if so necessary, after examining the charge-sheet.

5. As far as prayer clause (iii) is concerned, we are not inclined to take any legal action as against respondent-police in view of the statement made by learned APP on instructions.

6. The petition is disposed of on the aforesaid terms.

7. All concerned to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.