

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

CRIMINAL APPLICATION NO. 680 OF 2022

Dnyandeo Vitthal Pawar And Ors. ...Applicants
Versus
The State Of Maharashtra ...Respondent

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Mr. Aniket Nikam i/by Mr. Amit Icham, Advocate for the Applicants.

Mr. Arfan Sait, APP for the Respondent – State.

Mr. Ashok Shelke (PI) CBI, Pune Rural and Mr. M. A. Mane (API) Indapur Police Station, present.

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CORAM : PRAKASH D. NAIK, J.
DATE : 15th SEPTEMBER, 2022.

PER COURT:

1. The applicants are arraigned as accused in C.R. No.644 of 2021 dated 11.07.2021 registered with Indapur Police Station, Pune for offences punishable under Sections 302, 201, 120-B r/w Section 34 of Indian Penal Code (for short "IPC"). The applicants were arrested. Charge-sheet was filed. Case is numbered as Sessions Case No.182/2021.

2. The applicants had filed application Exh.31 before Sessions Court under Section 91 of Cr.P.C. r/w Section 165 of Evidence Act with prayers to issue directions to preserve evidence referred to in application and direct authorities to produce it in Court. Vide order

dated 21.06.2022, the Sessions Court partly allowed the application and directed investigating officer to preserve the evidence such as CDR's tower locations and CCTV footage which he has already collected during investigation, till further directions of the Court. The prayer for collecting new material was rejected.

3. Learned Advocate for applicants submitted that the sessions Court has erroneously rejected prayer for collecting new material. The applicants are falsely implicated. Wife of applicant No.2 had filed an RTI application on 25.04.2022 before SDPO for seeking information and with respect to scrutiny of charge-sheet before filing in Court. Since information was not received, she preferred appeal under RTI. She has received communication dated 14.05.2022 issued by Police Superintendent, Pune Rural and letter dated 06.10.2021 sent by Additional Police, Superintendent to Police Inspector, Indapur, Police Station. The directions issued in those communication are not complied.

4. Learned APP on instructions submitted that, investigation in accordance with communication dated 14th May, 2022 has proceeded. He has pointed out the communication for perusal of Court, and addressed to the prosecutor submitted by Local Crime Branch, Pune indicating that instructions stated in communication

are complied. It is submitted that the requisite report in accordance with Section 173(8) of Cr.P.C. would be submitted before the trial Court.

5. Communication dated 14.05.2022 refers to application preferred by Ms. Priyanka Sharad Pawar seeking investigation from independent agency under Section 173(8) of Cr.P.C. The communication is annexed to this application. The said communication issued by Superintendent of Police to investigating agency indicate that, directions are issued for conducting investigation on issues referred therein. As submitted by learned APP, requisite report in that regard would be submitted.

6. In view of above factual aspects, no further directions are warranted. This application is disposed off.

(PRAKASH D. NAIK, J.)