

... Petitioner

The State of Maharashtra and another ... Respondents

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Mr. Vinod Malare, PI, Chunabhatti Police Station, present.

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CORAM : PRASANNA B. VARALE &
N.R. BORKAR, JJ.

DATED : 21 SEPTEMBER 2022

P.C. :-

In the present Petition, two principle prayers made by the Petitioner are as follows :

“(a) Direct the Respondent No.1 to record the further statement of the Petitioner and other relevant witnesses and on that basis, add the names of the other accused as provided to them earlier in FIR No.75 of 2022.

(b) Direct the Respondent No.1 to immediately seize the CCTV footages of the incident as available through room and shop situated near scene of offence and to preserve the said footages for the purpose of trial.”

2. In the alternate, the Petitioner prays for handing over investigation to some other Police Station or some other Agency to conduct a in-depth enquiry and investigation. The perusal of material placed on record shows that on 4th March 2022, the Petitioner who is resident of area near Nehru Nagar, Near Kurla Station, proceeded to visit one Akbar Barkatullah Khan. When he reached a place known as Nagoba Chowk, near Gorakhnath Mitra Mandal, four persons picked up quarrel with him. They were carrying certain weapons such as chopper, wooden rod. The Petitioner was subjected to an assault by these four persons. Meantime, he received a phone call from his brother Samsher and the Petitioner informed his brother Samsher about the incident. He reached the spot and immediately admitted the Petitioner in the Sion Hospital for providing medical treatment. On this backdrop, the complaint was lodged at Chunabhatti Police Station against four accused persons for commission of offences punishable under Section 307, 324, 341, 504, 506 r/w. Section 34 of the Indian Penal Code and under Section 37(1)(a) of the Bombay Police Act, 1951 and Sections 2 and 4 of the Arms Act, 1959.

3. As the copy of the Petition was served on the Office of the Public Prosecutor, the learned APP took the instructions from the concerned investigating officer. On instructions, it is submitted

before this Court that after lodging of the report, the required steps in the investigation were carried out by the investigating agency and on completion of investigation even charge-sheet is filed in the competent court.

4. It is further submitted by the learned APP on instructions that post filing of the charge-sheet the investigating agency also recorded supplementary statement of the Petitioner on 17th September 2022. The learned APP submits that the investigating agency is carrying out further investigation pursuant to the supplementary statement and all necessary steps required, would be taken, and if needed the investigating agency may file the supplementary charge-sheet.

5. By accepting this statement, we see no reason to proceed further in the matter. The grievance raised in the Petition now no more survives. The purpose of approaching this Court by the Petitioner is duly redressed. Accordingly, the Writ Petition is disposed of.

(N.R. BORKAR, J.)

(PRASANNA B. VARALE, J.)

KANCHAN
PRASHANT
DHURI

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