

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CRIMINAL APPLICATION (BA) NO. 1080 OF 2022

Rakesh s/o Chainsingh Baheshwar vs. State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. C. R. Thakur, Advocate and Mr. L. B. Khergade,
Advocate for applicant.
Mr. S. M. Ghodeswar, APP for respondent State.

CORAM : G. A. SANAP J.

DATE : 18/10/2022

Learned APP submits that the Investigating Officer by his request letter dated 13/07/2022 has forwarded the pen drive pertaining to the CCTV footage obtained from the concerned office and the photographs of the deceased and accused to the Regional Forensic Science Laboratory, Nagpur Nagpur for analysis.

2. The learned APP further submits that till date the Chemical Analyser's (C.A.) report has not been received. On inquiry by this Court, the Investigating Officer who is present today in Court, states that he has not so far shown the CCTV footage and recording of the incident to the persons knowing

the deceased. It needs to be stated that this exercise ought to have been undertaken immediately after obtaining the CCTV footage and then the same ought to have been forwarded to the Regional Forensic Science Laboratory, Nagpur.

3. It further needs to be stated that the powers of the Investigating Officer to conduct further further investigation does not get curtailed, because of the filing of charge-sheet. He can still conduct the necessary investigation. It is seen that the articles i.e. pen drive and photographs were sent to Regional Forensic Science Laboratory, Nagpur on 13/07/2022.

4. Learned Advocate for the accused submits that the charge is framed against the accused. The learned Additional Sessions Judge is insisting the prosecution to proceed with the trial. No fault could be found with the learned Additional Sessions Judge, however, the in charge prosecutor of the case ought to have pointed out the learned Additional Sessions Judge, that the report of the Chemical Analyser is awaited. The in charge prosecutor ought to have pointed out this fact to the learned Additional Sessions Judge and made an application before the learned Additional Sessions Judge with the request to

to issue necessary direction to the C. A. Office to expedite the analysis.

5. In this factual position, the in charge Public Prosecutor of the case shall make an application before the learned trial judge seeking direction to the C. A. Nagpur to expedite the analysis. It is made clear that if such an application is made, the learned Additional Sessions Judge shall dispose of the same expeditiously, according to law.

6. Needless to state that the Investigating Officer by invoking the provision of Section 173 Sub-Section(8) of the Criminal Procedure Code can conduct the investigation which has not been so far conducted.

7. At this stage learned Advocate for the applicant makes a request to withdraw the application with liberty to file fresh application before this Court, if there is no further progress in terms of the above direction.

8. The application is disposed of as withdrawn.

JUDGE

*Digitally signed by*RAVIKANT
CHANDRAKANT KOLHE
*Signing Date:*19.10.2022
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