

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

CRIMINAL WRIT PETITION NO. 17/2022

SAHADEO LADUJI ATHWALE AND ANOTHER
...VS...
STATE OF MAHARASHTRA AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. S.S. Doifode, APP for respondents

CORAM : SUNIL B. SHUKRE AND
M. W. CHANDWANI, JJ.

DATED : 22/11/2022

Nobody present for the petitioners.

2. Heard Mr. S.S. Doifode, learned Additional Public Prosecutor for the respondents. An additional reply filed on behalf of respondent no. 2 on 21.06.2022.

3. The additional reply filed by respondent no. 2 discloses emergence of new development during pendency of this writ petition. The Investigating Officer has now submitted B-Summary Report before the Court of Judicial Magistrate First Class, Ner, District Yavatmal on 17.06.2022 although, in paragraph no. 1 of the reply of respondent no. 3, it is stated that A-Summary Report was submitted to Sub-Divisional Officer, Darwha and after getting his approval, Investigating Officer would file B-Summary Report before the Judicial Magistrate First Class, Ner.

4. The learned Additional Public Prosecutor, however, submits that mentioning of B-Summary Report may be a mistake, and it is only A-Summary Report that has been filed.

5. After filing of B-Summary Report, the petitioners would get a right to file an objection/protest petition before the concerned Court and, therefore, no purpose would be served by entertaining this writ petition at this stage. The writ petition is, therefore, dismissed with liberty to the petitioners to appear before the Court of Judicial Magistrate First Class, Ner, District Yavatmal to file their objections in the matter, which, if filed, shall be properly considered by the learned Judicial Magistrate First Class after giving due opportunity of hearing to the petitioners.

6. We request the learned Additional Public Prosecutor to inform the Investigating Officer accordingly.

7. Authenticated copy of this order be furnished to the learned Additional Public Prosecutor.

JUDGE

JUDGE

**SANDIP
MAHADEV
GATE**

Personal Assistant to the
Hon'ble Judge
Digitally signed by SANDIP
MAHADEV GATE
Date: 2022.11.22 16:57:17
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