

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

CRIMINAL WRIT PETITION NO.752 OF 2019

(Smt. Kalabai @ Kalavati Jeevan Lambat Vs. The State of Maharashtra thr. PSO PS
Umrer, Dist. Nagpur and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. N. A. Jachak, Advocate for Petitioner.
Mr. V. A. Thakare, APP for Respondent 1/State.

CORAM: ROHIT B. DEO AND URMILA JOSHI-PHALKE, JJ.

DATE: 10th NOVEMBER, 2022.

By this petition, the petitioner has prayed for necessary direction to Crime Branch or any other Investigating Agency to file necessary charge-sheet in accordance with law against the respondent 2.

2. This Court passed the following order on 11.10.2022:

We note that the order dated 5.09.2019 records that the learned counsel for the petitioner sought leave to delete the respondent 2, that who is accused in F.I.R. 451/2019. The order further records that leave to delete the respondent 2 is granted, as prayed.

2. Prayer (i) reads thus:

“(i) by issuing appropriate writ, order or direction, direct the crime branch or any other investigating agency to investigate the matter pursuant to FIR No.451/2019, dated 24/05/2019 (Annex-B) registered by the

respondent No.1 Police Station, Umred and file a necessary Charge-Sheet in accordance with law against the respondent No.2 and any other concerned persons, who are involved in the theft incident occurred in the midnight of 22/05/2019 in the shop block of the petitioner, within the time as this Hon'ble Court deems fit and proper".

3. Prayer (i) cannot be considered, much less granted in the absence of deleted respondent 2, who is bound to be vitally affected by the consideration of prayer (i).

4. We adjourn the hearing to 18.10.2022.

5. We expect the learned A.P.P. Mr. V.A. Thakare to make a positive statement as to the status of the F.IR. 451/2019 and particularly on the aspect of the submission of the final report under Section 173 or the closure report under Section 169 of the Code.

3. The learned APP Mr. Thakare made a statement that the Investigating Agency has filed 'A' summary report Crime 453/2019 and 451/2019.

4. In view of the statement nothing survives in this petition, which is disposed of. The petitioner is at liberty to file a protest petition.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B. DEO, J.)

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