

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 51 OF 2023

Sangita Suresh Baisane

..PETITIONER

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....
Mr. S.A. Deshpande, Advocate for petitioner
Mr. A.R. Kale, A.P.P. for respondent no.1 - State
....

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 24th FEBRUARY, 2023

PER COURT :

1. This is a petition under Article 226 of the Constitution of India seeking further investigation under Section 173(8) of Code of Criminal Procedure in Crime No. 757 of 2019 registered with Dhule Taluka Police Station, Dist. Dhule for the offences punishable under Sections 395, 504 and 506 of the Indian Penal Code.

2. The grievance of the petitioner is that the Investigating Officer had not recorded her supplementary statement and filed the charge-sheet hurriedly. Learned counsel for the petitioner states that the F.I.R. was lodged on 30th December, 2019. The petitioner made representations on 07th January, 2022, 15th January, 2022, 23rd January, 2022 and 07th February,

2022 for recording her supplementary statement, but no statement has been recorded.

3. Learned A.P.P., on instructions from Ms. Vijaya Prakash Pawar, Police Sub-Inspector, Dhule Taluka Police Station, Dhule, who is present before the Court pursuant to order dated 17th February, 2023, has brought to our notice that the statement of the petitioner under Section 164 of Cr.P.C. was recorded on 30th January, 2022, which was much after the representations made by the petitioner.

4. No such statement is made in the petition nor the petitioner disclosed the said fact on the previous date of hearing when the learned counsel for the petitioner complained that the charge-sheet was filed hurriedly without recording her supplementary statement. Considering the fact that statement of the petitioner was recorded by the Magistrate, the petitioner cannot make a grievance that her statement was not recorded by the Magistrate after the date of her representation. Thus, the petition has no merit and is accordingly dismissed.

(R.M. JOSHI, J.)

SSD

(SMT. ANUJA PRABHUDESSAI, J.)