

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.371 OF 2023

AMIN HAMID SHAIKH
VERSUS
THE STATE OF MAHARASHTRA

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Advocate for Petitioner : Mr. C. C. Deshpande
APP for Respondents: Mr. G. O. Watamwar

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CORAM : R.M. JOSHI, J

DATE : AUGUST 23, 2023

PER COURT :

1. This Petition takes exception to the order dated 21.01.2023 passed below Exh. 84 in Sessions Case No. 23/2018 rejecting application filed by the complainant with direction under Section 173(8) of Cr.P.C. for further investigation.

2. During the course of arguments, learned Counsel for the Petitioner submits that the whole intention of the complainant to seek further investigation to obtain evidence in respect of medical papers pertaining to Civil Hospital, Nandurbar.

3. Learned APP submits that the said medical papers of Civil Hospital, Nandurbar pertaining to the patient Amin Hamid Shaikh are collected by the

investigating agency. Learned Counsel for the Petitioner seeks direction to the prosecution to place this evidence before trial Court.

4. Considering the facts and circumstances, the evidence regarding medical papers is relevant for just decision of case. Moreover, purpose of the complainant making application below Exh. 84 get fulfilled if the investigating agency is directed to place the said evidence before learned trial Court. In view of this, the investigating officer is directed to place the said evidence before trial Court. Trial Court to allow the investigating officer to be placed the same on record which would be subject to proof of the same in accordance with law.

5. Petition stands disposed of in aforesaid terms.

(R.M. JOSHI, J.)

Malani