

GRM

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 529 OF 2023

Nilesh Devidas Dawada ... Petitioner

V/s.

The State of Maharashtra & Ors. ... Respondents

Mr. Sunny Punamiya i/b Tushar R. Momaiyah, Adv. for the
Petitioner.

Mr. A. R. Patil, APP for the State/Respondent.

CORAM : R. G. AVACHAT, J.

DATED : FEBRUARY 15, 2023

P.C. :

Heard.

2. The challenge in this writ petition is to the order dated 18/01/2023 passed by the learned Additional Sessions Judge, Court No. 7, City Civil & Sessions Court, Gr. Mumbai, whereby a supplementary charge-sheet submitted in terms of Section 173(8) of Code of Criminal Procedure, 1973, has been referred by the learned Additional Sessions Judge to the Registrar (S) to verify the supplementary charge-sheet and the documents accompanied therewith and then register the same.

3. According to the learned Advocate for petitioner, it is a judicial exercise to be undertaken by the Court concerned to ascertain whether the supplementary charge-sheet is to be accepted or not. Such authority can not be delegated to a

ministerial staff like Registrar of the Court.

4. Learned Advocate relied on the relevant provisions of Chapter-III of the Criminal Manual.

5. Learned APP on the other hand would submit that it is an usual practice in the Courts that the charge-sheet is submitted in the office and on scrutiny of the papers, the same is placed before the Presiding Officer of the Court, who in turn passes an order on judicial side.

6. What has been submitted by the learned APP, is correct. Learned Additional Sessions Judge would do well to direct the Registrar concerned to place the supplementary charge-sheet before him (learned Judge) and on application of mind, pass necessary orders thereon, so as to make it a part of police papers/main charge-sheet.

7. In view of the same, the writ petition stands disposed of accordingly.

(R. G. AVACHAT, J.)