

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

CRIMINAL WRIT PETITION NO. 800 OF 2022

Ashok Prithviraj Ostwal ... Petitioner
Versus
State of Maharashtra & Anr. ... Respondents

Mr. R. D. Suryawanshi for the Petitioner.
Mr. A. R. Kapadnis, APP for the Respondent No.1-State.

CORAM: R. N. LADDHA, J.

DATE : 12 OCTOBER 2023

P.C. :-

. Heard.

2. Learned Magistrate by an impugned order dated 25 June 2021 allowed the application for re-investigation filed by the prosecution.

3. Upon perusal of the impugned order, it reveals that the order is cryptic and unreasoned. The learned Magistrate needs to demonstrate such application of mind by giving reasons as to why the application is allowed.

4. The learned APP fairly admits that the Magistrate has no power to pass an order of re-investigation. He concedes to quash the impugned order with liberty to file fresh application before the

Magistrate for further investigation.

5. In view of this, the impugned order is quashed and set aside with liberty to file application for further investigation.

6. If such an application is filed for further investigation within a period of two weeks from the date of receipt of this order, the learned Magistrate shall decide the same expeditiously on its own merits in accordance with the law and after hearing both the parties.

7. The petition stands disposed of accordingly.

R. N. LADDHA, J.