

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

WRIT PETITION NO.2276 OF 2021

Maula Sattar Sayyad

.. Petitioner

Vs.

State of Maharashtra,

Through the Sadar Bazar Police Station, Solapur & Anr.

.. Respondents

Mr. Samay Pawar, i/by Mr. Satyavrat Joshi, for the Petitioner.

Mr. Ganesh Bhujbal, appointed as Amicus Curae.

Ms. M.H. Mhatre, APP for the Respondent-State.

CORAM : SUNIL B. SHUKRE & M.M. SATHAYE, JJ

DATE : 27TH MARCH, 2023.

P.C. :

1. Heard learned counsel for the petitioner, learned Amicus Curae and learned APP for the respondent-State.
2. The learned counsel for the petitioner has produced before the court final report filed by the Assistant Commissioner of Police, Division-2, Solapur City recommending that the offence investigated into ultimately turned out to be an offence which is non-cognizable. The said report is taken on record and marked "A" for identification. This final report is yet to be accepted by the trial court.
3. In these circumstances, it may not be appropriate for this court to hear

this petition, which seeks quashing and setting aside of the order dated 30th November 2019 passed in Regular Criminal Case No.30 of 2014 by the Court of Judicial Magistrate, First Class (Railway Court), Daund, lest it would affect judicial consideration of final report by trial court.

4. The petition is therefore dismissed with a direction to the trial court to take appropriate decision in accordance with law on the final report filed by the Assistant Commissioner of Police, Division-2, Solapur City as early as possible, preferably within four weeks from the date of receipt of writ of this court.

[M.M. SATHAYE, J.]

[SUNIL B. SHUKRE, J.]