

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

CRIMINAL WRIT PETITION NO. 2842 OF 2021

Mukesh J. Mehta

...Petitioner

V/s.

The State Of Maharashtra And Ors.

...Respondents

Mr. Zuber Chakali a/w Mr. Advait Kulkarni i/by Jay and Co. for Petitioner.
Mrs. S.D. Shinde, A.P.P. for the Respondent-State.

**CORAM : A. S. GADKARI AND
PRAKASH D.NAIK, JJ.**

DATE : 14th FEBRUARY, 2023.

P.C.:-

. By the present Petition, Petitioner is seeking relief of direction to the Respondent No.5 - Investigating Officer to record statement of Petitioner and carry out further investigation in Crime No.48 of 2019 registered with Bhoiwada Police Station, Parel, Mumbai and other consequential reliefs.

2. Record indicates that, in Order dated 06.12.2021, this Court has recorded the statement of learned A.P.P. that, the additional statement of Petitioner was recorded during the course of investigation and charge-sheet is also filed.

3. It is a matter of fact on record that, on the basis of First Information Report lodged by Petitioner, the Police have completed investigation and submitted final report under Section 173(2) of Cr.P.C. in the Court of

Metropolitan Magistrate, 29th Court, Dadar, Mumbai under Sections 3, 11 & 13 of The Maharashtra Ownership of Flats (Regulation of the Promotion, Construction, Sale, Management and Transfer) Act, 1963 and under Sections 406, 417, 418, 419, 420, 465, 467, 468 & 471 read with Section 34 of Indian Penal Code against three accused persons names of whom are more specifically mentioned in the charge-sheet.

4. In this precise background, Petitioner now wants to record his statement again and to investigate the crime further. We repeatedly asked the learned counsel for Petitioner, as to under which provision of Cr.P.C., a fresh statement of Petitioner can be recorded after filing of charge-sheet by the Police to which, there was no answer.

5. Petitioner wants to implead Chief Officer of Respondent No.6 and Commissioner of Respondent No.7 without their being an iota of evidence found during the course of investigation of the present crime against them. Perusal of Petition and pleadings advanced on behalf of Petitioner would indicate that, there are no merits in the Petition.

6. Petition is *dehors* of merits and is accordingly dismissed.

(PRAKASH D. NAIK, J.)

(A.S. GADKARI, J.)