

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2519 Of 2023

Prashant Vishnu Mhatre

.. Petitioner

Versus

The State of Maharashtra and anr

.. Respondents

...

Mr. Gaurav Parkar for the petitioner.

Mr.S.R. Agarkar, APP for the State.

CORAM: BHARATI DANGRE, J.

DATED : 6th SEPTEMBER, 2023

P.C:-

1 The present Writ Petition assails the order dated 22/5/2023 passed by the Special Court at Panvel, Raigad in connection with C.R.No. 173/2022. The order reads thus :-

“ORDER

(22-05-2023)

Read report. Read statement of complainant/ mother of victim, in view of her statement, C-Summary is not granted/rejected, I.O to register the crime”

2 The Superintendent from the District and Addl. Sessions Court, Raigad, Panvel, communicated the order to Kamothe police station. The grievance of the petitioner today is,

if the Summary is rejected, there can be no direction to register the crime, as upon the closure report not being accepted, the Investigating Officer shall proceed u/s.173 of Cr.P.C, or if further investigation is to be carried out, he will adopt the course available to him under sub-section (a) of Section 173 of Cr.P.C i.e. to carry out further investigation.

3 The learned APP Mr.Agarkar, in presence of the Investigating Officer, offer a clarification that no new crime is registered. The Investigating Officer is also conscious of the steps which are required to be taken once the summary is rejected. The learned APP shall furnish a copy of the Summary report to the counsel for the petitioner.

With the aforesaid clarification, Writ Petition is dismissed.

(SMT. BHARATI DANGRE, J.)