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

CRIMINAL WRIT PETITION NO. 4598 OF 2019

Nadeem Shakeel Shaikh

...Petitioner

Versus

State of Maharashtra

...Respondents

Mr. Avendra Kumar i/b. Mr. Ashok Kumar Prajapati for the Petitioner.

Ms. P. P. Shinde, APP for the State.

Mr. Maruti Sangle, PI, Bandra Police Station, EOW, Mumbai.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**

DATE : 14th JULY 2023

P. C. :

1. Heard learned counsel for the parties.
2. By this petition, the petitioner seeks a direction to the Director General of Police-respondent no. 2 to submit a report, with respect to the petitioner's complaint dated 20th August 2019 (Exhibit G); a direction to respondent nos. 1, 3 and 4 to direct the Investigating Officer to produce the petitioner's complaints dated 3rd July 2019 (Exhibit A), 27th July 2019 (Exhibit F) and

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20th August 2019 (Exhibit G) and its investigation papers before this Court; and a direction to the respondent no. 4 to register the petitioner's complaint dated 3rd July 2019 under section 307, 323, 324, 504 r/w section 34 of the Indian Penal code.

3. Learned APP on instructions submits that pursuant to the complaint made by the petitioner, the Bandra Police Station, Mumbai have registered an F.I.R, being C.R. No. 558 of 2019 alleging offences punishable under section 324, 323, 504 r/w section 34 of the Indian Penal Code. He submits that after investigation, chargesheet has also been filed in the said case and as such nothing now survives for consideration in the aforesaid petition.

4. It appears that the petition was filed in September 2019, soon after the complaint was filed by the petitioner on 20th August 2019. The petitioner has alleged that the accused have committed an offence even under section 307, however, the police have not applied section 307 of the Indian Penal Code.

5. Since chargesheet is filed, we do not deem it appropriate to interfere at this stage. However, it is open for the court, where the case is pending, to alter the charge at any stage if the evidence to that effect is brought on record with respect to section 307.

6. Petition is accordingly disposed of in the aforesaid terms.

7. We make it clear that we have not expressed any opinion on the merits of the applicability of section 307 of the Indian Penal Code, in the fact of this case and as such, keep all contentions of all parties open.

GAURI GODSE, J.

REVATI MOHITE DERE, J.