

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

CRIMINAL WRIT PETITION NO.5379 OF 2017

Hamza Hussain Bondare

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Sumit Kothari for the Petitioner.

Mr. V. B. Konde Deshmukh, APP for the Respondent-State.

***CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.***

DATE : 13 APRIL 2023.

P.C. :

1. By this petition, the petitioner seeks the following substantive relief:

"a) This Hon'ble Court may be pleased to issue Writ of Mandamus or any other appropriate writ or order or direction in the nature of writ of mandamus thereby directing the Respondent No.1 for de novo and/or additional investigation in the C.R. No.1 of 2015 registered with the Dabhol Police Station for offences committed under Section 408 read with Section 34 of Indian Penal Code, 1973.

2. This court vide order dated 24/7/2018, recorded the statement

of the learned APP that an application for further investigation under section 173(8) of the Criminal Procedure Code would be filed by the Investigating Officer.

3. Pursuant thereto, the concerned officer had filed an application under section 173 (8) of Cr.P.C. along with several documents. Said application is pending for consideration since 2019 before the concerned Magistrate.

4. Learned counsel for the petitioner has gone through the application/report filed by the police under section 173(8) of Cr. P. C. and submits that he has no grievance as against the police and is satisfied with the investigation carried out by the police. He requests that the trial Court be directed to decide the said application/report filed by the police as expeditiously as possible. In view of the statement made by the learned counsel for the petitioner nothing survives in the petition. The petition stands disposed of.

5. We direct the Magistrate to decide the report/application filed

by the police under section 173(8) of Cr. P. C. as expeditiously as possible and in any event within a period of 2 months from the date of receipt of this order.

6. All parties to act on the authenticated copy of this order.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.