

Iresh

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

CRIMINAL WRIT PETITION NO. 5515 OF 2018

Bala @ Balaji Shankar Kendre

...Petitioner

Versus

The State of Maharashtra

...Respondent

Mr. Sagar A. Joshi Advocate for the petitioner

Ms. S. S. Kaushik, APP for the State

Mr. R. K. Nare, PSI, Wagle Estate Police Station, Thane City

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

DATE : 24th JULY 2023.

P.C. :

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

*“(a) Writ of Mandamus or any other appropriate
Write in the nature of Mandamus, Order of
Directing, directing the Respondent to further
investigate into the complaint bearing F.I.R. No. I-
290 of 2013 dated 23rd October, 2013 registered the
Vartak Nagar Police Station i.e. Respondent No. 1”.*

2. Learned APP on instructions states that the police have filed chargesheet against the four persons (accused) named in the F.I.R. under section 324 read with 34 of the Indian Penal Code and under the provisions of the Maharashtra Police Act.

3. The grievance of the learned counsel for the petitioner is, that the petitioner (original complainant) had disclosed 9 names i.e. 9 persons who had assaulted him, however, chargesheet has been filed only against 4 persons.

4. Learned counsel for the petitioner does not dispute, that presently the petitioner is in the witness box, and that his evidence is being recorded.

5. Considering the aforesaid, we do not deem it fit to grant any relief as sought in this petition. It is always open to invoke section 319 of Cr.P.C. if a case is so made out.

6. We make it clear that we have not heard the petition on merits and as such, all contentions of all parties are kept open.

7. Petition is disposed of.

All concerned to act on an authenticated copy of this order.

GAURI GODSE, J.

REVATI MOHITE DERE, J.