



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

906 CRIMINAL WRIT PETITION NO. 672 OF 2024

NARSING S/O. MADHUKAR KATAMPALLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Mr. Gopal D. Kale Advocate for Petitioner.
Ms. P.R. Bharaswadkar, A.P.P. for Resp. Nos. 1 and 2.
...

CORAM: SMT. VIBHA KANKANWADI AND
S.G. CHAPALGAONKAR, JJ.

DATE : 9th OCTOBER, 2024

ORDER :

1. In view of the order passed by this Court on 27th September 2024 the investigating officer is present. However, the learned APP submits that the investigating officer who filed the charge-sheet is no more. The question involved was that in spite of the order by the learned Magistrate below Exhibit-20 in R.C.C. No.79 of 2018 passed on 11th January 2022 directing the P.I. Deoni Police Station to carry out further investigation under Section 173(8) of the Code of Criminal Procedure and submit the report before 28th February 2022, it appears that the then investigating officer has not responded. There is one letter dated 6th January 2022 but it appears to be prior to the order below

Exhibit-20 passed by the learned Judicial Magistrate First Class, Deoni on 11th January 2022, wherein the investigating officer submits that since he has filed the charge-sheet, there is no necessity for re-investigation or further investigation. But learned APP submits that after the order was passed, there is no communication by the investigating officer. Learned APP also submits that the matter has proceeded and now it is posted for pronouncing Judgment.

2. The obvious question that arises is that in spite of the said order dated 11th January 2022 if further investigation has not been done, then it was open for the Magistrate to take action against the investigating officer. Further the petitioner has not approached this Court within the time and now it appears that he has given evidence so also the evidence of the witnesses has been recorded, which is recorded without any protest. Then at this belated stage, we do not think this to be a fit case where we should exercise our constitutional powers under Article 226 or 227 of the Constitution of India.

3. The Writ Petition stands dismissed.

[S.G. CHAPALGAONKAR]
JUDGE

asb/OCT24

[SMT. VIBHA KANKANWADI]
JUDGE