



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 773 OF 2022

**PRASHANT KESHAV JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for the Petitioner : Mr. Surve Kshitij H.

APP for Respondents/State : Mr. N.R. Dayama

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**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19 APRIL 2024

PER COURT :

. The petitioner who is the original informant seems to be not happy with the investigation that has resulted in filing of the charge-sheet. He alleges that brother of his brother-in-law who is the prime accused is not being implicated.

2. Irrespective of the averments in the application and the affidavit-in-rejoinder, once the charge-sheet has already been filed in the trial Court, in our considered view, **Vinubhai Hirabhai Malaviya Vs. State of Gujarat**, (2019) 17 SCC 1, would apply. The petitioner can resort to the decision and approach the trial Court and make endeavour to ventilate his grievance in the light of the remedies available as has been mentioned therein, including soliciting a direction for further investigation under Section 173(8) of the Code of Criminal Procedure or

even moving an application under Section 156(3) of Cr.P.C. Since it is a matter before the trial Court, it would be appropriate that the petitioner is relegated to the remedy before it.

3. We dispose of the writ petition, granting liberty to the petitioner to take appropriate steps, if he so desires, in the light of the observations in the matter of Vinubhai Hirabhai Malaviya (*supra*).

4. Needless to state that independent of Vinubhai Hirabhai Malaviya (*supra*), the trial Court would have ample powers under Section 311, 319 to summon any other person found to be involved in commission of crime.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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