

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1156 OF 2015**

Mahesh Zumbarlal Khinvasara

... Petitioner

V/s.

The State of Maharashtra & Anr.

... Respondent

Mr. Burzin Bharucha a/w Mr. Sanjay Rego, Ms. Jhanvi Shah i/b Nilesh Tribhuvann for Petitioner.

Mr. S.V. Gavand, APP for Respondent No.1-State.

PSI Mr. Sandip S. Khalate, Sangavi Police Station, Pune.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 23rd February 2024

P.C. :

1) Learned APP on instructions from Police Sub-Inspector Mr. Sandip Khalate, attached to Sangavi Police Station, Pune, submitted that, the investigation of the present crime is completed and as per the prosecution, there is sufficient material to indict the Petitioner in the present crime. However, in view of Order dated 24th August 2015, the Investigating Agency has not filed chargesheet till date.

1.1) He submitted that, if this Court permits the Investigating Agency to file chargesheet, the same will be filed within three weeks from today. The said statement is accepted.

1.2) As the Police are intending to file chargesheet, in view of the

observations made by the Hon'ble Supreme Court in para-8 of the decision in the case of *Iqbal alias Bala and Ors. Vs. State of Uttar Pradesh and Ors.*, reported in 2023 SCC OnLine SC 949, the Petitioner is having an alternate remedy under the provisions of Code of Criminal Procedure before trial Court.

- 3) By reserving alternate remedy, Petition is disposed off.
- 4) All contentions of both parties are kept open.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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VASANT
CHITTEWAN

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