

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

CRIMINAL WRIT PETITION NO. 3491 OF 2023

Mohammad Salim Shaikh S/o Khalid
Chand Shaikh Petitioner

Versus

The State Of Maharashtra And Ors. Respondents

Mr. S. G. Mishra, for the Petitioner.

Mrs. P. P. Shinde, A.P.P for the Respondent – State.

Mr. S. S. Sabale, P.S.I., Manikpur Police Station, is present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 25th JANUARY 2024

P.C. :

1. By this petition, the petitioner seeks a direction to the respondent No.3 – The Assistant Commissioner of Police, to carry out thorough, effective and proper investigation in C.R. No. 286 of 2022, registered with the Manikpur Police Station. Some other

ancillary reliefs are also sought i.e. a direction to respondent No.3 to inform this Court, the steps taken for investigation of the aforesaid crime; and transfer of investigation to Crime Branch.

2. Learned A.P.P. on instructions states that the police of Manikpur Police Station, have, after proper investigation filed charge-sheet in the said case on 27rd January, 2023, i.e. even prior to the filing of the aforesaid petition.

3. It appears that the petitioner was not aware of the filing of the charge-sheet on 27th January, 2023, pursuant to which the aforesaid petition was filed in April, 2023. Accordingly, nothing survives for further consideration in the aforesaid petition.

4. At this stage, learned Counsel for the petitioner states that the petitioner has been receiving threats from the accused

persons and as such, seeks police protection. Learned A.P.P. states that it is open for the petitioner to file an appropriate application seeking police protection, before the competent authority and the competent authority, on verifying the threat perception, will take appropriate steps.

5. Accordingly, it is open for the petitioner to file an appropriate application, seeking police protection before the concerned authority. If an application is filed, the concerned authority to decide the said application expeditiously and in accordance with law, after assessing the threat perception to the petitioner.

6. Petition stands disposed of as aforesaid.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.