

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 1548 OF 2016**

Dhaval Dilip Shah

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Dharmesh Joshi a/w Adv. Akshita Vakharia i/by T.D. Joshi & Associates
for the Petitioner.

Mr. J.P. Yagnik APP, for the Respondent-State.

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

DATE : 16th FEBRUARY, 2024.

PC.:-

1) At the outset, learned APP submitted that, the investigation of the present crime has already concluded and there is sufficient material to indict the Petitioner in the present crime. However, in view of the Order dated 23rd August, 2016, the Investigating Agency has not filed charge-sheet. He further submitted that, if the Court grants permission, the Investigating Officer will file charge-sheet within a period of two weeks from today.

2) As the police are intending to file charge-sheet, in view of the observations made by the Hon'ble Supreme Court in paragraph No.8 of the

decision in the case of *Iqbal alias Bala & Ors. Vs. State of U.P. & Ors.*, reported in 2023 SCC OnLine SC 949, we permit the Petitioner to avail alternate statutory remedy to file an Application for discharge as contemplated under the provisions of Cr.PC., before the trial Court.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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by SANJIV
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2024.02.23
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