

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

WRIT PETITION NO. 2549 Of 2016

Arvind V. Sheth And Anr.

....Petitioners

Versus

The State Of Maharashtra And
Anr.

...Respondents

...

Ms. Disha Jain i/b. Hassan Khan for the Petitioners

Mr. J. P. Yagnik, APP for the Respondent No.1-State.

Mr. Kiran Jain a/w. Ish Jain a/w. R.Yadav for Respondent No.2.

PSI S.V. Mungekar of Pydhonie Police Station, Mumbai present.

CORAM : A. S. GADKARI &

SHYAM C. CHANDAK, JJ.

DATE : 9th February 2024.

P. C. :-

1) Learned APP on instructions from PSI Mungekar of Pydhonie Police Station submitted that, the investigation of the present crime is completed. However, in view of the order dated 1st October 2018, charge-sheet has not been filed. The investigation reveals that, there is a material to indict the Petitioners in the present crime. That, if this Court permits the investigation agency, it will file the charge-sheet within a period of two weeks from the date of uploading of the present order on the Official Website of the High Court. The said statement is accepted.

2) As the Police are intending to file charge-sheet in the present case, in view of the observations made by the Hon'ble Supreme Court in para No.8 in the case of *Iqbal alias Bala and Ors. Vs. State of U.P. and Ors (2023)*

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8 SCC 734: 2023 Online SC 949, we dispose off the Petition with liberty to the Petitioners to avail alternate remedy, under the provisions of Cr.PC., before the trial Court.

3) By reserving aforesaid remedy in favour of Petitioners, Petition is disposed off.

4) All contentions of both the parties are kept open.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)