

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 4860 OF 2015**

Sarwar Afsar Khan & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Suraj V. Gadkari i/b. Mr. V. V. Purwant for Petitioners.

Mr. S. V. Gavand, A.P.P. for Respondent-State.

P.S.I. Mr. Bajrang Desai, Samta Nagar Police Station is present.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 31st January 2024.****P.C. :**

1) Learned A.P.P., on instructions from Police Sub-Inspector Mr. Bajrang Desai attached to Samta Nagar Police Station, Mumbai submitted that, the investigation of the present crime is completed and the chargesheet is ready to be filed. However, in view of Order dated 22nd December 2015 the same could not be filed till today. The investigation reveals that the Petitioners have participated in the present crime.

2) As the police have completed investigation and the draft chargesheet indicates that, there is *prima-facie* material against the Petitioners, we permit the Investigating Officer to submit chargesheet in the Court of competent jurisdiction.

- 3) Learned A.P.P, on instructions, submitted that, the Investigating Officer will file chargesheet in the trial Court within a period of two weeks from today. Said statement is accepted.
- 4) As the police are filing chargesheet within a period of two weeks from today, the Petitioners are having alternate statutory remedy under the provisions of Criminal Procedure Code before the trial Court.
- 5) By reserving the said alternate remedy, Petition is disposed off.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

Digitally signed
by OMKAR
SHIVAHAR
KUMBHAKARN
Date:
2024.02.02
11:30:18 +0530

OMKAR
SHIVAHAR
KUMBHAKARN