

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5012 OF 2015**

Vilas Devram Mhatre & Ors.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Sumedh Modak i/b. Mr. Vijay Killedar for Petitioners.

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

Mr. Raju D. Suryawanshi for Respondent No.2.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.****DATE : 29th February 2024.****P.C. :**

- 1) Learned A.P.P., on instructions from Mr. Ankush Varungase, Police Sub-Inspector attached to Kalyan Taluka Police Station, District Thane, submitted that, the investigation of present crime is already completed and chargesheet is ready to be filed. That, there is sufficient material available to indict the Petitioners in the present crime. However, in view of Order dated 25th January 2016 the Police have not filed chargesheet till date. He submitted that, if this Court grants leave, the Police will submit chargesheet before the trial Court within a period of two weeks from the date of uploading of present Order on the official website of the High Court Bombay.
- 2) As the police have already completed investigation and chargesheet is ready to be filed, 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., reported in (2023) 8 SCC 734 : 2023 SCC OnLine SC 949*, we deem it appropriate to relegate the Petitioners to avail alternate remedy or filing an application for discharge before the trial Court.

3) By reserving the said alternate remedy in favour of the Petitioners, Petition is disposed off.

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

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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