

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

CRIMINAL WRIT PETITION NO.176 OF 2023

Harkesh Kishinchand Gangwani and Ors. ...Petitioners
Versus
State of Maharashtra and Ors. ...Respondents

Mr. Prerak Choudhary for the Petitioners.

Mr. K. V. Saste, Addl.P.P for the Respondent – State.

Mr. Pranav Badheka a/w Mr. Nivit Srivastava, Mr. Rutvij Solanki,
Mr. Amish Gandhi i/b Maniar Srivastava Associates, for the
Respondent Nos.5 to 15.

Mr. Raja Thakare, Senior Advocate i/b Mr. Bharat Manghani, for the
Respondent Nos.16 and 17.

Mr. Rajiv Chavan, Senior Advocate, i/b Mr. Arun Panickar, for the
Respondent Nos.20 to 23.

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

DATE : 17th APRIL 2024

P.C. :

1. By this petition, the petitioners seek proper and detailed investigation to be carried out with respect to the nexus between the parties i.e. nexus between Uday Surve and the new Developer i.e.

respondent Nos.5 to 15 as well as the nexus between the Society Members i.e respondent Nos.20 to 23.

2. Mr. Saste, learned Additional Public Prosecutor on instructions states that after investigation, charge-sheet has been filed in four cases and in one case, charge has already been framed. He submits that no investigation has been kept pending even under Section 173(8) of the Code of Criminal Procedure ('Cr.PC').

3. The grievance of the learned counsel for the petitioners in the aforesaid petition is that apart from Uday Surve there are other persons i.e. the new Developer and the Society Members, who have also connived with each other and have duped the petitioners.

4. Since, charge-sheet has been filed, we do not deem it appropriate to interfere at this stage.

5. Suffice to state, that it is open for the petitioners to file an appropriate application under Section 319 Cr.PC, if the evidence is so

disclosed.

6. If such an application under Section 319 Cr.PC is filed, the learned Judge to decide the said application, on its own merits, having regard to the evidence on record, in accordance with law.

7. We make it clear that we have not gone into the merits of the petition and as such all contentions of all parties are kept open.

8. The Petition stands disposed of accordingly.

. All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.