

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO. 5573 OF 2018**

Shri Umesh Ravindra Biraari & Ors.

... Petitioners

V/s.

The State of Maharashtra

... Respondent

Mr. Kamlesh Ghumre a/w Ms. Sonali Jadhav i/b Ms. Aditya Parulekar for
Petitioners.

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

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

DATE : 18th MARCH 2024

P.C. :

(1) Learned APP on instructions from Sub-Divisional Police Officer Mr. Bapurao B. Dadas, Nashik (Rural), submitted that, the investigation of the present crime has been completed. The provisions of the Maharashtra Control of Organized Crimes Act, 1999 have been dropped from the alleged charge against the Petitioners. That, the Investigating Agency has forwarded record of investigation to the Government for obtaining sanction under Section 197(1)(b) of the Criminal Procedure Code and after getting such sanction, the Investigating Agency would be filing chargesheet in the Court of competent jurisdiction.

(2) As the investigation of the present crime is completed and the Police are likely to file charge sheet, subject to requisite sanction from the

Government, in view of the observations made by the Hon'ble Supreme Court in para-8 of the decision in the case of *Iqbal alias Bala and Ors. Vs. State of Uttar Pradesh and Ors.*, reported in 2023 SCC OnLine SC 949, the Petitioners will be having alternate remedy under provisions of the Criminal Procedure Code before the trial Court.

(4) By reserving the said alternate remedy, Petition is disposed off.

(5) All contentions of both the parties are kept open.

(SHYAM C. CHANDAK, J.)

(A.S. GADKARI, J.)

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VASANT
CHITTEWAN

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