

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

CRIMINAL WRIT PETITION NO. 3919 OF 2023

Mukesh Dattatray More ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Mr. Sandeep Mishra for the Petitioner

Mr. K. V. Saste, Addl.PP for the Respondents-State

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
MONDAY, 6th MAY 2024**

P.C. :

1 Heard learned counsel for the parties.

2 By this petition, the petitioner has impugned the notice dated 1st November 2023 issued by the respondent No.3- the Assistant Inspector of Police, Bhandup Police Station, Mumbai, asking the petitioner to report to Bhandup Police Station, in connection with C.R. No. 357/2019.

3 Perused the papers. The petitioner is arraigned as an accused in C.R. No. 357/2019 registered with the Bhandup Police Station, Mumbai along with other co-accused. The offences alleged against the petitioner and others are offences under Sections 420, 465, 467, 468, 471 and 34 of the Indian Penal Code and provisions of the Maharashtra Protection of Interest of Depositors Act. After investigation, the police have filed charge-sheet in the said case, however, investigation under Section 173(8) has been kept open. The petitioner has also been released on bail by the trial Court after filing of charge-sheet.

4 As noted above, investigation under Section 173(8) has been admittedly kept open and charge-sheet is filed in the said C.R, and hence, asking the petitioner to come in connection with the said C.R, cannot be faulted.

5 Mr. Saste, learned Addl. P.P states that the petitioner was served with a notice dated 1st November 2023 asking him to

appear before the concerned Officer of the Bhandup Police Station in connection with certain documents collected, post filing of the first charge-sheet.

6 Thus, in view of the aforesaid, since further investigation is pending, no grievance can be made by the petitioner that he cannot be summoned by the police. The Apex Court in the case of *State through CBI v. Hemendhra Reddy Etc. Etc. on 28/04/2023*, in particular, para 77(iv), has observed that further investigation is merely a continuation of the earlier investigation and hence, it cannot be said that the accused is being subjected to investigation twice over and as such the principle of double jeopardy would not apply to further investigation.

7 In view of the above, there is no substance in the petition. Petition is dismissed.

8 Needless to state that the petitioner to respond to the notice and cooperate with the investigation as and when called.

9 At this stage, learned counsel for the petitioner seeks stay of the this order. Request for stay is rejected.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.