



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3162 OF 2024

Akash Dilip Shelar & Anr.

.....Petitioners

Vs.

The State of Maharashtra & Anr.

.....Respondents

Mr. Sanjiv Sawant, with Adv. B.K. Barve & Ms. Sonali Patil i/b B.K. Barve & Co., for Petitioners.

Mr. Vinod Chate APP, for Respondent No.1-State.

None for Respondent No.2.

CORAM : SARANG V. KOTWAL AND

DR. NEELA GOKHALE, JJ.

DATE : 24th OCTOBER 2024.

P.C.:-

- 1) Nobody appears for Respondent No.2.
- 2) Heard Mr. Sawant, learned counsel for the Petitioners and Mr. Chate, learned APP.
- 3) Learned APP states on instructions that the investigation is over and the chargesheet will be filed shortly. He makes a statement on instructions that they are dropping the Petitioner No.2 from the array of the accused, as there is no evidence against him. The statement is recorded.
- 4) Considering this statement, it would be in the fitness of things that if the chargesheet is filed, even the learned counsel for the

Petitioner can have benefit of the availability of the material produced along with chargesheet so that the matter can be effectively argued. Considering that one of the Petitioners is being dropped from the chargesheet, some protective orders need to be passed in this case. Hence, the following order:

ORDER

- (i) Stand over to 16th December 2024.
- (ii) The Investigating Agency is permitted to file the chargesheet before the appropriate Judicial Magistrate First Class, however the learned Magistrate shall not take steps based on that chargesheet against the present Petitioners till the next date.

(DR. NEELA GOKHALE, J.)

(SARANG V. KOTWAL, J.)