



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO.129/2024

(Gajanan S/o Haribhau Ekde Vs. State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.J. Thakkar, Counsel for the petitioner.
Mr. J.Y. Ghurde, A.P.P. for non-applicant Nos.1 to 3.

CORAM: VINAY JOSHI AND MRS.VRUSHALI V. JOSHI, JJ.
DATED : 7.2.2024.

Heard.

2. This petition seeks re-investigation. It is petitioner's contention that though police have filed chargesheet for the offence punishable under Section 304(A) of the Indian Penal Code, however, it is a case of murder punishable under Section 302 of the Indian Penal Code. The petitioner would submit that he has already filed an application to the police but cognizance was not taken. It is brought to our notice that for the same relief the petitioner has moved to the Magistrate vide Miscellaneous Criminal Application No.125/2012 in terms of Section 156(3) of the Code which is still pending.

3. Already the petitioner has availed the remedy for registration of crime as provided under the Code. In the circumstances, we are not inclined to entertain the petition. The learned Magistrate is directed to pass an appropriate order on pending application within four weeks from the receipt of intimation. The petitioner shall

not seek any adjournment in the pending application before the Magistrate. The petition stands disposed of in the above terms.

(MRS.VRUSHALI V.JOSHI, J.)

(VINAY JOSHI, J.)

Tambaskar.