



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

6 CRIMINAL WRIT PETITION NO.1954 OF 2024

Arjun Shivaji Dhobi,
Age 48 yrs., Occ. Agri.,
R/o Bhavarkheda, Tq. Dharangaon,
Dist. Jalgaon.

... Petitioner

... **Versus** ...

- 1 The State of Maharashtra
Through Secretary,
Home Minister, Mantralaya,
Mumbai (M.S.).
- 2 The Superintendent of Police,
Jalgaon, Tq. & Dist. Jalgaon.
- 3 The Police Inspector,
Police Station, Dharangaon,
Tq. Dharangaon, Dist. Jalgaon.

... Respondents

...

Mr. U.S. Patil, Advocate for petitioner

Mr. V.K. Kotecha, APP for respondent Nos.1 to 3

...

CORAM : SMT. VIBHA KANKANWADI &
ROHIT W. JOSHI, JJ.

DATE : 15th JANUARY, 2025

ORDER : (PER : SMT. VIBHA KANKANWADI, J.)

1 Heard learned Advocate for petitioner. Learned APP waives notice for all respondents. After going through the petition and entire charge sheet, it can be seen that present petitioner is the original informant, who has lodged First Information Report and the offence under Section 302 of the Indian Penal Code came to be registered vide Crime No.242/2024 on 12.06.2024 with Police Station, Dharangaon, Tq. Dharangaon, Dist. Jalgaon. The matter was investigated and charge sheet is also filed before learned Judicial Magistrate First Class, Dharangaon; yet, the petitioner contends that the Investigating Officer has not recorded statements of certain witnesses and has not properly investigated the matter and, therefore, he prays thus -

“(B) That, this petition may kindly be allowed by issuing the writ of Mandamus and any other writ like nature to direct Respondent No.2 to investigate on the applications dated 15.06.2024 and 18.06.2024 of the petitioner. (Exhibit ‘B’)”

2 It is to be noted that when the charge sheet is filed under Section 173(1) of the Code of Criminal Procedure and in the same it has been prayed that if additional evidence is collected then it should be allowed to produce under Section 173(8) of the Code of Criminal Procedure, present petitioner can approach learned Magistrate. Reliance can also be placed on the decision

in **Vinubhai Haribhai Malaviya and others vs. The State of Gujarat and another** [AIR 2019 SC 5233].

3 Upon questioning, learned Advocate for petitioner seeks withdrawal of the writ petition with liberty to approach learned Magistrate with an application under Section 173(8) of the Code of Criminal Procedure. In view of the same, the writ petition stands disposed of with liberty as prayed and with direction to learned Magistrate to consider such application if filed on its own merits.

(ROHIT W. JOSHI, J.)

(SMT. VIBHA KANKANWADI, J.)

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