

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1404 OF 2022

Samadhan Krushnkant Sargar ...Petitioner
Versus
The State of Maharashtra & Ors. ...Respondents

Mr. Rajaram Bansode for the Petitioner.

Mrs. Kranti T. Hiwrale, A.P.P for the Respondent-State.

Mr. Ajinkya D. Murumkar for the Respondent Nos.9 to 12.

HC – 1586, S.H.Shinde from Malshiras Police Station, present.

**CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.**
DATE : 15th APRIL, 2025

P.C. :

1. By this petition, the petitioner seeks a direction to the respondent Nos.1 to 4 i.e. to the Police to take action against the respondent Nos.5 to 8, all Police Officers, as according to the petitioner, the said respondents have intentionally and deliberately pressurized the eye-witnesses and even detained the said eye-witnesses illegally to help and support the accused persons in the FIR being

C.R.No. 30 of 2022 registered with the Malshiras Police Station, Solapur Rural, Solapur. The petitioner also seeks transfer of investigation of the said C.R. to the CBI or State CID.

2. Learned APP, on instructions, submits that although the petitioner (original complainant) had lodged an FIR as against six persons, the Police after investigation filed chargesheet only as against two persons. She states that as far as other accused are concerned, i.e. respondent Nos.9 to 12 who were named in the FIR, the Police have filed 169 report before the concerned Court. Learned APP states that it is now open for the petitioner to adopt appropriate remedy before the Trial Court at the appropriate stage, by filing an application under Section 319 Criminal Procedure Code (Section 358 of the Bhartiya Nagarik Suraksha Sanhita).

3. In view of the statement made by the learned APP, learned Counsel for the petitioner does not press this petition. He, however, seeks liberty to file an appropriate application if the occasion so arises before the Trial Court for impleading other persons as accused in the

said case.

4. Petition is accordingly disposed of as withdrawn with liberty as prayed.

5. Needless to state that if an application is filed by the petitioner during the course of trial, the learned Judge, to consider the said application on its own merits, in accordance with law.

6. We make it clear that we have not gone into the merits of the petitioner's case and as such, all contentions of all parties are kept open.

7. All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.