

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3901 OF 2018

Sambhaji Digambar Sarvade ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

*Mr. Shankar Katkar i/b. Ms. Manisha Devkar for the Petitioner.
Ms. S.N. Deshmukh, A.P.P. for the Respondent No.1-State.*

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 10th October 2025.

P. C. :

1. Heard learned counsel for the Petitioner.
2. Learned counsel for the Petitioner invited our attention to the reliefs prayed in this Petition, which reads thus :

“a) That this Hon'ble Court be pleased to call for the record and the proceedings in respect of the Judgment and Order dated 30.07.2015 passed by Ld. Addl. Sessions Judge-1, in Sessions case No. 35 of 11, and after going into its legality propriety and correctness be pleased to quash and set aside the Order dated

30.07 2015 passed by Ld. Addl. Sessions Judge-1, in Sessions case No. 35 of 11, in the interest of justice, having regard to the peculiar facts and circumstances of the case.

b) This Hon'ble Court by issuing appropriate writ, order or direction be pleased to direct the Senior Inspector of Police or any independent investigating agency to reinvestigate C.R. No. 61 of 11 registered with Akulj Police Station for the offences punishable under Sec. 302 of IPC and direct to file chargesheet in the Ld Judicial Magistrate First Class Malshiras, Dist. Solapur.”

3. Learned counsel for the Petitioner submits that no doubt the accused have been acquitted by the trial Court after a full-fledged trial, however, there is complete travesty of justice, as the investigation which has been carried out by the Investigating Agency is lopsided and one sided. It is submitted that had the investigation been carried out properly, it would have revealed such evidence that the trial would have resulted in conviction.

4. We are afraid that post full-fledged trial, it is not be possible for us to consider the relief as prayed for in the present Petition.

5. Reserving the remedy of the Petitioner to resort to appropriate proceedings in view of filing an appeal, present Petition is disposed of.

6. All contentions of the parties are kept open.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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