

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 6080 OF 2025

Shailesh Kantilal Makani ... Petitioner.
V/s.
The State of Maharashtra and Ors. ... Respondents.

Mr. Sachindra Shetye a/w Mr.Yogesh Birajdar, for the Petitioner.
Mr. V.C. Chate, A.P.P for the Respondent- State.
API- Mr. Nandkumar Koli , EOW-2, Navi Mumbai present.

**CORAM : A. S. GADKARI AND
RANJITSINHA RAJA BHONSALE, JJ.**
DATE : 4th DECEMBER 2025.

PC.:-

1) The record of the case is self eloquent. On 15th September 2025, the Petitioner has filed a self eloquent complaint with EOW, Unit -II, Belapur, Navi Mumbai. The statements of Petitioner and his brother were recorded on 4th October 2025 and till date, the alleged preliminary enquiry is not concluded which is contrary to the mandate of law under Section 173(3)(i) of BNSS.

2) Learned APP seeks time to file affidavit of Commissioner of Police explaining as to whether Section 173(3)(i) is mandatory or is included in the Statute only for the sake of formality.

2.1) At his request, stand over to 11th December 2025.

(RANJITSINHA RAJA BHONSALE, J.)

(A.S. GADKARI, J.)