



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

**CRIMINAL WRIT PETITION NO. 299/2025**

Dhananjay Vitthalrao Khonde

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's orders

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Mr. S. B. Gandhe, Advocate for Petitioner.

Mr. A. R. Chutke, A.P.P. for Respondent Nos.1 to 4/State.

**CORAM : NITIN W. SAMBRE AND**

**MRS.VRUSHALI V. JOSHI, JJ.**

**DATED : 03/04/2025.**

Heard.

2. At the behest of the petitioner, Crime No.399/2023 punishable under Section 306 of the Indian Penal Code came to be registered on 14.08.2023 in which "A" summary is proposed.

3. It is the case of the petitioner that the mobile phone seized by the accused was destroyed and as such there needs to be a direction for a fresh investigation.

4. As far as the aforesaid contentions are concerned, he has sought to place reliance on the judgment of the Hon'ble Apex Court in the matter of *Vinay Tyagi Vs. Irshad Ali and Ors.* reported in *[2012] 13 SCR 100*.

5. Having heard the learned Counsel for the petitioner for some time, we are of the view that the Magistrate has a power to direct further investigation once it is established or demonstrated by the petitioner while objecting "A" summary that the evidence was destroyed by the Investigating Officer.

6. Keeping such liberty intact to the petitioner, we see no reason to cause interference in extraordinary jurisdiction. The petition accordingly fail, stands dismissed.

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W. SAMBRE, J.)