

Rekha Patil

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3839 OF 2024

Shekhar Kakasaheb Jagtap

...Petitioner

Versus

State of Maharashtra And Anr.

...Respondents

WITH
WRIT PETITION NO. 722 OF 2024
WITH
INTERIM APPLICATION NO. 3851 OF 2025
WITH
INTERIM APPLICATION NO. 3033 OF 2024
WITH
INTERIM APPLICATION (ST) NO. 5602 OF 2024
IN
WRIT PETITION NO. 722 OF 2024

WITH
WRIT PETITION NO. 737 OF 2024
WITH
WRIT PETITION NO. 750 OF 2024
WITH
WRIT PETITION NO. 4923 OF 2024
WITH
WRIT PETITION (ST) NO. 19375 OF 2024
WITH
CRIMINAL APPLICATION NO. 1140 OF 2024

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Mr.Rajiv Shakder, Senior Advocate with Mr.Karan Khetani,
Ms.Sairuchita Chowdhary & Mr.Akash Pandey, Advocates for the
Petitioner in WP/722/2024 & WP/3839/2024.

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Mr.Satyavrat Joshi (through V.C.) with Mr. Priyesh More, Advocates for the Petitioner in WP/4923/2024.

Mr.Mihir Desai, Senior Advocate with Mr.Pavan S.Patil, Mr.P.S.Gole, Mr.Shubham Saraf Mr.Tanmay A. Deshmukh, Advocates for the Petitioner in WP/750/2024.

Mr.S.B.Talekar with Ms.Madhavi Ayyappan & Mr.Aditya Madane i/b Talekar & Associates, Advocates for the Petitioner in WP/737/2024.

Mr.Manoj Patil, Senior Adovcate with Mr.Shailesh Chavan, Mr.Sachin Pawar, Mr.Hrishikesh Avhad & Mr.Pranjal Jadhav, Advocates for the Petitioner in WPST/19375/2024.

Mr.Mihir Desai, Senior Advocate with Mr.Rahul Kamerkar, Ms.Aparajita R.Jha, Advocates for the Applicant in APL/1140/2024.

Mr.Sudeep Pasbola, Senior Advocate, Special Public Prosecutor with Mr.J.P.Yagnik, Additional Public Prosecutor, Mr.Ayush Pasbola, Mr.Chinmay Godse, Mr.Ramprasad Deore & Harshada S., for the Respondent-State.

Mr.Rizwan Merchant with Mr.Dilip H.Shukla, Advocates for the Respondent -Original Complainant-All.

Sr.Police Inspector Mr. Salil Bhosale, Unit 5, Crime Branch, Thane, present.

IO/API – Mr. Swapnil Wagh, Colaba Police Station, present

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**CORAM: SHREE CHANDRASHEKHAR, CJ &
SUMAN SHYAM, J.**

DATE: 20th JANUARY 2026

PC:-

I.A.No.3851/2025

This interim application has been filed with the following prayers:-

- “a. This Hon’ble court be pleased to pass an appropriate order/direction to the respondent police station/police officers to produce/provide copy of the general daily and/or station dairy for the Hon’ble Court, in the sealed envelope if this Hon’ble Court so directs and a copy thereof to be provided to the petitioner, subject to the discretion of this Hon’ble Court.*
- b. This Hon’ble court be pleased to pass an appropriate order to transfer the investigation to another police station or Court monitored investigation or any other order as this Hon’ble Court deems fit and proper.*
- c. That pending this Interim Application police shall not file any kind of report without prior leave of this Hon’ble Court;*
- d. This Hon’ble Court shall pass the order to further investigate the offence under this Hon’ble Court’s monitoring;*
- e. Interim order may be passed in terms of para (a), (c) and (d);”*

2. The whole thrust of the arguments made by Mr. Rizwan Merchant, the learned counsel appearing for the applicant, who is the complainant is based on the order dated 16th July 2024. By this order, a co-ordinate Bench of this Court issued a direction to the Principle Secretary, Law and Judiciary Department to file a reply, a composite reply, pertaining to all the writ petitions by herself after perusing the entire records and the documents annexed with the petition within a period of three weeks. What is relevant according to the learned counsel for the applicant is the direction issued to the investigating agency not to file the charge-sheet without prior leave of the Court till the returnable date; the matter was stand over for 6th August 2024. The learned counsel for the applicant refers to the judgment in “*Dablu Kujur v. State of Jharkhand* (2024)” 6 SCC 758 to submit that the ‘C’ summary report filed by the police shall be a final report under section 173(2) of the Code of Criminal Procedure. Therefore, the State should be directed to produce the materials on the basis of which

a 'C' summary report has been filed in breach of the order dated 16th July 2024.

3. In the first place, we may indicate that no argument has been addressed by the learned counsel for the applicant as to transfer of investigation or an order for further investigation. As indicated by the Hon'ble Supreme Court in "*Dablu Kujur*", since the 'C' summary report filed by the police is a final report, the matter shall rest with the jurisdictional Magistrate who has three courses available to him: a) to accept the report; b) to reject the report and c) to order further investigation under section 173(f) of the Code of Criminal Procedure. In fact, the learned counsel for the applicant has stated that a protest petition has been filed by the applicant on 12th January 2026 vide e-filing No. AMH20230013730C202600005.

4. In view thereof, we do not find any substance in Interim Application No. 3851 of 2025 which is, accordingly, dismissed.

W.P.No.3839/2024 with connected matters.

Mr. Rajiv Shakder, the learned senior counsel appearing for the petitioner in Writ Petition Nos. 722 of 2024 and 3839 of 2024; Mr. Manoj Patil, the learned senior counsel appearing for the petitioner in Writ Petition (Stamp) No. 19375 of 2024; Mr. Rizwan Merchant, the learned counsel appearing for the respondent no.2 (original complainant) filed written submissions. Taken on record.

2. We have heard Mr. Rajiv Shakder, the learned senior counsel appearing for the petitioner in Writ Petition No. 3839 of 2024 and

Writ Petition No. 722 of 2024. We have also heard Mr.Mihir Desai, the learned senior counsel appearing for the petitioner in Writ Petition No.750 of 2024; Mr.Satyavrat Joshi, the learned counsel appearing for the petitioner in Writ Petition No.4923 of 2024; Mr. S. B. Talekar, the learned Counsel appearing for the petitioner in Writ Petition No.737 of 2024 and Mr. Manoj Patil, the learned senior counsel appearing for the petitioner in Writ Petition (St) No. 19375 of 2024.

3. For arguments on behalf of the complainant and the State, post these matters tomorrow, that is, on 21st January 2026 under the caption “part-heard”.

(SUMAN SHYAM, J)

(CHIEF JUSTICE)