

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.172 OF 2011

Sitaram Hari Gurav.

..Petitioner.

Vs.

The State of Maharashtra
and others.

..Respondents.

.....

Ms.Gayatri Singh, Advocate for the Petitioner.

Mr.K.V. Saste, A.P.P. for the State.

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**CORAM : A.M. KHANWILKAR AND
A.R. JOSHI, JJ.**

DATED : 2nd FEBRUARY, 2011.

P.C.

1. The first grievance made in this Petition is that the Investigating Officer has, for reasons best known to him, not mentioned the names of the Partners of M/s. Madhu Construction Company as accused inspite of being named by the Petitioner as involved in commission of alleged offence.
2. Learned A.P.P, on instructions of the Investigating Officer who is present in Court, submits that the Investigating Officer would not only examine the statements of the Petitioner, but, if material is gathered during the investigation which would indicate complicity of the Partners of M/s. Madhu Construction Company in the commission of offence,

he would take steps to name the concerned Partners as accused.

3. The other grievance made before us is that although, more than three months have elapsed since passing of the order dated 15th September, 2010 in Criminal Writ Petition No.2383 of 2010 which was filed by the Petitioner, the Investigating Officer has merely registered the FIR and done nothing more. In response to this submission, learned A.P.P. on instructions, states that the Investigating Officer has already recorded statements of 37 persons who were present in the disputed meeting. He has also collected some documents in connection with the offence. The Investigating Officer intends to record statements of all the 225 persons who were allegedly present in the disputed meeting.

4. We are at a loss to know as to why the Investigating Officer has taken so long time to record the statements of all the 200 persons if he wanted to do so. We are informed that the Investigating Officer was hard-pressed due to other official commitments. At the same time, it is accepted by the Investigating Officer that from the statements recorded so far, at least two persons have disputed the factum of meeting having been held as is mentioned in the documents in question. We are also at a loss to know as to why Investigating Officer has not proceeded against the accused for last 90 days.

5. For the time being, we reserve our comments about the manner in which the investigation is proceeding inspite of our order dated 15th September, 2010 and accede to the request of the learned A.PP to give 15 days further time to the Investigating Officer who in turn would take all possible measures not only of recording of statements, but, will also proceed against the accused in accordance with law. In the circumstances, we defer the hearing of this Petition to 16th February, 2011.

(A. R. JOSHI, J.)

(A. M. KHANWILKAR, J.)