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

WRIT PETITION NO. 172 OF 2011

Sitaram Hari Gurav.Petitioner
Vs.
The State of Maharashtra & ors.Respondents

Ms. Gayatri Singh, advocate for petitioner.

Mr. K.V.Saste, APP for Respondent No.1.

Mr.P.K.Dhakephalkar, Sr. Counsel a/w G.V.Bhagwat i/b.M/s. Divekar & Co.
advocate for Respondent No.4.

Mr. Shirish Gupte, Sr. Counsel i/b. I.A.Bhagaria and Niranjan Mundargi,
advocate for Respondent No.5.

**CORAM:- P.V.HARDAS AND
M.N.GILANI, JJ**

DATED:- APRIL 8, 2011

P.C.

1 Rule. Rule returnable forthwith.

2 With the consent of the learned Counsel for the parties, this Petition is heard finally at the stage of admission.

3 This is a petition under Article 226 of the Constitution of India, by which the Petitioner, as prayed for the following reliefs:

“a) That this Hon’ble High Court be pleased to direct to issue a Writ of Mandamus or appropriate Writ Order in the nature of Mandamus directing the Respondents to include the names of the Partners of M/s. Madhu Construction Company, viz. Bhagwandas Gilda, Vasudev M. Gilda, Gangadevi M. Gilda as accused in the F.I.R.No.234/2010.

b) That this Hon’ble Court be pleased to issue a Writ of Mandamus or appropriate Writ order/direction in the nature of Mandamus under Article 226 of the Constitution of India directing the Respondents to complete the investigation in respect of F.I.R. No.234/2010 against all the accused and to initiate the investigation forthwith.

c) That this Hon’ble Court be pleased to issue a Writ of Certiorari, or writ, order or direction in the nature of Certiorari quashing and setting aside LOI being SRA/ENG/1188/HE/ML/LOI dated 20.08.2009.”

4 It appears that pursuant to the order issued by this Court, an offence came to be registered on the basis of the complaint filed by the Petitioner and the investigation in respect of the said offence commenced. The grievance of the Petitioner was that partners of M/s. Madhu Construction Company have not been joined as accused in the said offence, which is registered. Learned APP states on instruction that the partners of M/s. Madhu Construction Company have been made accused in the said offence and the investigation of the said crime is virtually completed and upon receipt of the report of the handwriting expert, final report would be submitted before the competent court. We accept aforesaid statement of the learned APP as an undertaking to the Court. In the

light of the said statement, according to us, nothing further survives in this Petition for determination for this Court. It is needless to state that remedies, which are available in law to the respondents/accused, remain unaffected by this order. Rule is therefore, made absolute on the above terms with no order as to costs.

(M.N.GILANI, J)

(P.V.HARDAS, J)