

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.408 OF 2010

Rajendra Venkatdas Pai & Ors.

....Petitioners

Versus

The State of Maharashtra & Ors.

....Respondents

.....

Mr.Anas Shaikh i/b Jamila Shaikh & Associates for Petitioners.

Mr.J.P.Yagnik, A.P.P. for State.

.....

CORAM:- A.M.KHANWILKAR AND
P.D.KODE, JJ.

DATED:- OCTOBER 29, 2010.

P.C.

1. Two reliefs have been claimed in this Petition. The first relief is to take action against the concerned Officials of Wadala T.T.Police Station for falsely implicating the Petitioners herein in commission of offence. It is not in dispute that on the basis of complaint registered as FIR by the local police, investigation was undertaken, on the basis of which, charge-sheet has been filed which mentions about the involvement of the Petitioners in the concerned incident. As a result, Petitioners came to be named as accused in Special Case No.3 of 2009 and Special Case No.22/2009. If it is so, the relief claimed in this Petition is premature. The Petitioners can be heard to make grievance about false implication in criminal offence only after the conclusion of the criminal proceedings pending against

them.

2. Insofar as the second relief is concerned, it is for quashing of C.R. No.28 of 2009. As aforesaid, since charge-sheet has already been filed and more so, the Petitioners have already moved the concerned Court for discharge, the question of quashing of C.R. does not arise. The Petitioners are free to pursue their remedy before the concerned Court for discharge, if so advised. All questions in the said proceedings will be decided on its own merits.

3. Petition disposed of on the above terms.

4. At this stage, Counsel for the Petitioners submits that it may be clarified that the Petitioners would be free to ask for same relief after being discharged or acquitted by the concerned criminal Court. That is the position already stated in the earlier part of this order, which needs no reiteration.

(P.D.KODE, J.)

(A.M.KHANWILKAR, J.)