

2024:BHC-AS-35436-DB
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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION (STAMP) NO.16212 OF 2024

Nirmala Bhavesh Parmar ... Petitioner
Versus
State of Maharashtra and Ors. ... Respondents

Ms. Reshma Nair a/w Mr. Devmani Shukla, Mr. Rajesh Sahani and
Mr. Vivekanand Aksali, for the Petitioner.

Mr. K. V. Saste, Addl.PP for the Respondents-State.

***CORAM : REVATI MOHITE DERE &
PRITHVIRAJ K. CHAVAN, JJ.***

DATE : 29th AUGUST 2024

P.C. :

1. Heard learned counsel for the parties.
2. The essential grievance of the petitioner in the aforesaid petition is that the police are not complying with the mandate of Section 173(2)(ii) of the Code of Criminal Procedure ('Cr.PC').
3. Perused the papers. The said section of which non-compliance by the police is alleged, reads thus:-

“173. Report of police officer on completion of investigation. -

(2) (i) ---- ---- ----

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.”

4. After the repeal of Cr.PC; under the new ‘The Bharatiya Nagarik Suraksha Sanhita, 2023 (‘BNSS’), the corresponding section is Section 193(3)(ii) & (iii). The said provision in the new BNSS, is identical to that of Section 173(2)(ii) of the Cr.PC.

5. Mr. Saste, learned Additional Public Prosecutor states that a Circular dated 23rd August 2024 has been issued for scrupulous compliance of the provisions of Section 193(3)(ii) & (iii) of the BNSS. The said Circular is taken on record.

6. In view of the aforesaid, nothing survives for further consideration in the aforesaid petition. Petition stands disposed of accordingly.

7. At this stage, learned counsel for the petitioner makes a grievance that some of the pages in the charge-sheet are missing.

8. Hence, Mr. Saste, learned Additional Public Prosecutor on instructions states that the police will handover a full copy of the charge-sheet to the petitioner, within one week from today. Statement accepted.

All concerned to act on the authenticated copy of this order.

PRITHVIRAJ K. CHAVAN, J.

REVATI MOHITE DERE, J.