

MHST070001312024



**Order Below Exh. 41 in RCC No. 24/2024
(The State Of Maharashtra-Karad City Police Station Vs. Vasim Ajij
Shekh and others)**

This application is filed by the prosecution for giving direction to the investigation Officer to conduct further investigation under Section 173(8) of the Code of Criminal Procedure, 1973 (hereinafter referred as the Cr.PC) and to trace identify and record statement, seize original letters from complainant and to obtain specimen handwriting and expert opinion.

2. The prosecution contended that, on the basis of report lodged by the informant CR No. 977/2023 for offences punishable under Sections 498A, 323, 504, 506, 507 and 510 read with Section 34 of the Indian Penal Code registered against the accused. The investigation officer after completion of the investigation filed charge-sheet.

3. The prosecution further contended that, there are certain letters written by women which are necessary for deciding the case against the accused. The informant is having original

letters. Though her name is disclosed, her identity, address and whereabouts are not ascertained and her statement was not recorded. The informant is having screenshot of her Instagram account to trass out her identity and address. Said letters are material evidence of adjudication of the case. Said letters needs to be seized under the panchnama and report of handwriting expert is also necessary for just decision of the case. Therefore, the prosecution prayed to allow the application and give direction to the investigating officer to carry out further investigation under Section 173(8) of the Cr.PC.

4. Accused failed to file say.

5. Heard Smt. S. K. Ahiwale learned APP for the State and Shri. H. R. Kale learned counsels for accused.

6. Perused the record. Record shows that, the matter is pending for recording evidence of the prosecution. By way of this application the prosecution is praying for giving direction for further investigation. Therefore, it is necessary to consider Section 173(8) of the Cr. PC which reads as under :

173. Report of police officer on completion of investigation -

- (1) -----
(2) -----
(3) -----

- (4) -----
(5) -----
(6) -----
(7) -----
(8) *Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)*

Bare reading of said provision shows that, the police officer can conduct further investigation. This provision also enables the magistrate to direct further investigation even after filing of the final report.

7. Learned APP for the state submits that, accused have subjected the informant with cruelty. The accused was having love relationship with Priya Kasture. Her statement is not recorded. Letters written to the accused by said Priya Kasture are also not seized. Therefore, it is necessary to seized said letters and record her statement. She therefore, prayed to allow the application.

8. Per-contra, learned counsel for accused submits that, the informant was having knowledge about investigation since

2023 and this application is filed in the year 2026 only to prolong the hearing of the matter and cause harassment of accused. Accused are ready for effective hearing of the case. Therefore, at this stage the application is not maintainable.

9. Record shows that, offence punishable under Section 498-A is alleged against accused. By way of this application, the informant intends to bring on record statement and letters written by Priya Kasture who allegedly have love relationship with the accused.

10. Record shows that, at the time of lodging of the report and during investigation while recording of statements of witnesses also there is a allegation about love relationship of the accused with said Priya Kasture and investigation in that regard is not carrying out. The prosecution has filed photo copies of said letters. Said documents and evidence is necessary for just decision of the case. Trial is yet to commenced and evidence of prosecution witnesses is not recorded. Further investigation in the matter is necessary for just decision of the case. No prejudice will be caused to the accused if further investigation is carried out as accused will be having every right to cross examine witnesses. Therefore, considering the facts of present case, in my considered opinion, it

is necessary to give directions to investigating officer to carry out further investigation. Therefore, there is no force in the submissions advanced on behalf of accused. Hence, the application deserves to be allowed in the result, I pass following order,

ORDER

1. The application (Exh.41) is allowed.
2. The investigating officer is hereby directed to carry out further investigation under Section 173(8) of the Code of Criminal Procedure, 1973 in CR No. 977/2023 for offences punishable under Sections 498-A, 323, 504, 506, 507 and 510 read with Section 34 of the Indian Penal Code registered with Police Station Karad City, Tal-Karad, Dist- Satara and to seize all the relevant documents/papers/letters and record statements of all material witnesses given by the informant including collecting electronic evidence and file supplementary report.

Date : 24/07/2026.

(Prashant P. Kulkarni)
Judicial Magistrate First Class,
Court No. 3, Karad.