



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

4 CRIMINAL APPLICATION NO. 1276 OF 2023

RAHIM SADRODDIN SHAIKH AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. A.L. Kanade Advocate for Applicants.

Mr. A.R. Kale, A.P.P. for Resp. No.1.

Mr. Adil Shaikh Advocate h/f. Mr. R.V. Gore Advocate for
Resp. No.2.

...

**CORAM: SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATE : 30th JUNE 2025

ORDER :

1. Heard learned Advocate for the applicants, learned APP as well as learned Advocate appearing for respondent No.2.

2. Upon the disinclination shown to grant any relief to the applicants, learned Advocate for the applicants, upon instructions, seeks withdrawal of the Application. There is no hurdle in permitting him to withdraw the Application.

3. Before parting, one fact has to be placed on record that we

had substantially heard the matter on 25th June 2025 and taking into consideration the statements of witnesses recorded under Section 161 of the Code of Criminal Procedure, we had felt that the investigating officer should be called. Therefore, we directed the learned APP to direct the investigating officer to remain present before this Court today. Accordingly, Mr. Dhanraj Maharu Rathod, Grade Police Sub Inspector, Control Room, Chhatrapati Sambhajinagar remained present. He has filed his affidavit-in-reply admitting his mistake. He had recorded statements of two witnesses, which were giving impression that the informant is the wife of those witnesses. His explanation says that inadvertently due to the typographical mistake, word, "माझी पत्नी" came to be recorded in the statement of another witness who is not the husband of the informant. The deponent says that he is not conversant with the electronic/digital device like computer and with the assistance of other police personnel he has recorded the statements of witnesses. He has stated that he has completed 57 years of age and is about to retire in seven months. He has therefore, tendered apology.

4. Investigation of a crime has to be done seriously and the

statements of witnesses under Section 161 of the Code of Criminal Procedure when decided to be reduced into writing by the investigating officer, it should be in the language used by the witness. In many matters we have already expressed concern over the trend of copy-paste statements of witnesses under Section 161 of the Code of Criminal Procedure which is in practice with the investigating agency. Law does not contemplate copy-paste statements. In such statements even commas, fullstops and the paragraphs would not change. Taking into consideration the fact that the investigating officer is on the verge of retirement, we accept his unconditional apology. However, we expect the State Government to address this menace and then only it is going to give a quality investigation and faith in the investigating agency.

5. The Application stands dismissed as withdrawn.

[SANJAY A. DESHMUKH]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/JUNE25