



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 2613 OF 2025

Sunil Sudam Patil & Anr.

... Petitioners

V/s.

The State of Maharashtra & Anr.

... Respondents

Mr. Nilesh Navale for Petitioners.

Ms. M.M. Deshmukh, A.P.P. for Respondent No.1-State.

Mr. Vijay Kharat, Asst. IGP Dakshata, DGP Office and Mr. Atul Zende, DCP Zone-3, Thane City, present.

**CORAM : A. S. GADKARI AND
RAJESH S. PATIL, JJ.**

DATE : 9th June 2025.

P.C. :

1) Record clearly indicates that, after completion of investigation Police have submitted chargesheet. In view thereof, learned Advocate for Petitioners on instructions seeks leave to withdraw Petition with liberty to file an Application for discharge before the trial Court.

Leave and liberty granted.

2) Disposed off as withdrawn with aforesaid liberty.

3) There is another facet to the present case.

3.1) Page No. 20 of the Petition reveals that, the Investigating Officer on 16th January 2012 has filed 'Charge Half Sheet', the concept of nomenclature totally unknown to the Criminal Procedure Code. The said

document is annexed at page No.20 to the Petition.

3.2) We are having our serious doubt about a document of such a nature to be filed in any Court and even to keep such a document with the said nomenclature in the record by the Police. The document annexed at page No.20 to the Petition discloses that, the same was submitted before the trial Court. The heading / nomenclature of the said document specifically mentions 'Charge Half Sheet'.

4) The learned Single Judge of this Court had an occasion to consider similar type of instance in Criminal Bail Application No. 2936 of 2017. In its Order dated 13th August 2018, the learned Single Judge in para No.5 has observed as under :

“5. Half sheets are filed instead of charge-sheets only to defeat the limitation period for completion of investigation. “Half Sheets” are not contemplated by any statutory provision or procedural rules.”

4.1) In Criminal Application (A.P.L.) No. 1686 of 2019, one of us (A.S. Gadkari, J.) had an occasion to deal with similar issue. In Affidavit dated 2nd February 2021 filed by Dr. Ravindra Shisve, Joint Commissioner of Police, Pune, he has categorically stated that, there is no provision of Half-Sheet incorporated in the Criminal Procedure Code. It was also asserted in the said Affidavit that, the Office of Commissioner of Police, Pune, had issued Gazettes dated 2nd January 2019 and 20th January 2021, giving directions to all Police Stations within its jurisdiction to refrain from using the word 'Half-

Sheet' instead of using the word 'Charge-Sheet'.

4.2) In another case i.e. in Criminal Application (A.P.L.) No. 256 of 2017 under the directions of this Court the Investigating Officer attached to Sangvi Police Station, District Pune, had filed Affidavit dated 7th June 2023. In para No.6 thereof, the said Investigating Officer had fairly admitted that, there is no provision of filing 'Half-Sheet' in Criminal Procedure Code.

5) Though, there is no such provision in the Criminal Procedure Code or any other Statute to file Half-Sheet / Charge Half Sheet, it is many a times observed that, the Investigating Officers are filing it in the Court, only to defeat the limitation period for completion of investigation and none else.

5.1) At this stage, Ms. Deshmukh, learned A.P.P. on instructions from Mr. Vijay Kharat, Asst. IGP Dakshata, DGP Office and Mr. Atul Zende, DCP Zone-3, Thane City, submitted that, the Director General of Police, Maharashtra State, will file a detailed Affidavit within a period of two weeks from the date of uploading of the present Order on the Official website of the High Court of Bombay, stating the correct provisions of law under which Half-Sheet / Charge Half Sheet is filed, in any jurisdictional Court of Maharashtra, by the concerned Investigating Officer. The said statement is accepted.

6) At the request of learned A.P.P., stand over to 15th July 2025.

7) To be listed under the caption 'For Directions'.