

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CRIMINAL WRIT PETITION NO. 488 OF 2015****ATMARAM S/O TUKARAM TATODE****VERSUS****THE STATE OF MAHARASHTRA & ANR**

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Advocate for Petitioner : Mr. Kanade Angad L
APP for Respondents State: Mr. V. D. Godbharale

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**CORAM : T. V. NALAWADE &
SMT. I. K. JAIN, JJ.**

DATE : 18th April, 2015

PER COURT :

1. Heard learned counsel for the petitioner. Seen the record.
2. It is the case of the petitioner that the respondent no.2 has created false record and obtained nomination from a freedom fighter in his favour when respondent no.2 was no way related to the said freedom fighter. The petitioner has produced record to show that the freedom fighter is of caste Bari which is OBC. There is record to show that respondent no.2 belongs to Maratha caste and not OBC. He wants direction against the Collector to start criminal proceedings.
3. In the above circumstance, it is advisable that the Collector makes enquiry first. Opportunity needs to be given to the other side. If truth is found then further action like giving FIR is possible. In present matter, no need to hear the other side. Representation is already given by the applicant to the Collector, which is dated 04.12.2014. The Collector is expected to make enquiry into the matter.

4. With this observation the criminal writ petition is disposed of.
5. Registrar Judicial is to send copy of the order to the Collector, Aurangabad alongwith copy of the representation.

(SMT. I. K. JAIN, J.)

(T. V. NALAWADE, J.)

JPC