

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**CRIMINAL WRIT PETITION NO.768 OF 2015**

Pramod s/o Prabhakar Shejul,  
Age-48 years, Occu:Business,  
R/o-Bungalow No.9, Ambika Nagar,  
Kedgaon, Tq. & Dist-Ahmednagar

**...PETITIONER**

**VERSUS**

- 1) The State of Maharashtra,  
Through its Chief Secretary,  
Home Department,  
Mantralaya, Mumbai 32,
- 2) The Superintendent of Police,  
Ahmednagar,
- 3) The Police Inspector/The Investigation  
Officer, Kotwali Police Station,  
Tq. & Dist-Ahmednagar,
- 4) The District Collector,  
Ahmednagar.

**...RESPONDENTS**

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Mr.N.B. Narwade Advocate for Petitioner.  
Mr.K.S. Patil, A.P.P. for Respondents.

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**CORAM: S.S. SHINDE AND  
A.I.S. CHEEMA, JJ.**

**DATE : 11TH AUGUST, 2015**

**ORDER :**

1. Heard the counsel appearing for the Petitioner. He invited our attention to prayer Clause (B) of the Petition and also documents placed on record and submits that earlier Investigating Officer did not cause the investigation properly. There were many lapses in the investigation, investigation was not in accordance with law. Therefore, grievance was raised with the Superintendent of Police, Ahmednagar, by way of filing representation dated 1st April 2015, praying therein for taking action against the earlier Investigating Officers. However, even the Superintendent of Police has not properly considered the grievance of the Petitioner and no action has been taken against the earlier Investigating Officers. Therefore, the counsel submits that this Court may issue directions to the Superintendent of Police, Ahmednagar to take action against earlier Investigating Officers, namely, Gorakshanath

Lokhande and Balkrushna Hanpude Patil, who investigated the matter earlier.

2. Learned A.P.P. has tendered across the Bar affidavit-in-reply of one Mr. Bharat Dattatraya Jadhav. It is stated in Para 3 of the said affidavit-in-reply that Superintendent of Police, Ahmednagar had directed the Sub Divisional Police Officer to inquire into the allegations made by the Petitioner. Sub Divisional Police Officer has inquired into the matter in detail and submitted his report on 26th June 2015 to the Superintendent of Police, Ahmednagar. Copy of the said report is placed on record with the reply (Exhibit R-1). Upon perusal of the said report, the Sub Divisional Police Officer has concluded that Police Inspector Hanpude Patil and Police Head Constable Gorakshanath Shivdas Lokhande, have conducted the investigation properly and there was no any negligence or lapse on their part.

3. In that view of the matter, when such inquiry is conducted and report is submitted to the Superintendent of Police, Ahmednagar, further prayer of the Petitioner to issue direction to Respondent No.2 to take action against the afore mentioned police officers, without any foundation, cannot be entertained. In case the Petitioner is aggrieved by the inquiry conducted by the Sub Divisional Police Officer, Ahmednagar and decision taken by the Superintendent of Police, Ahmednagar on the basis of said inquiry report, the Petitioner can resort to appropriate remedy.

4. In the light of above, the Writ Petition stands disposed of.

**[A.I.S.CHEEMA, J.]**

asb/AUG15

**[S.S. SHINDE, J.]**