

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 875 OF 2015

IBRAHIM KHAN S/O ISMAIL KHAN PATHAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Hamzakhan I. Pathan.

APP for Respondent / State : Mr. K. S. Patil.

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CORAM : **A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 02nd September, 2015.

Per Court:

1 Following is the prayer clause (B) in the present writ petition:

“B) By issuing writ of mandamus or any other appropriate writ, order or directions as the case may be, the respondent no.2 Superintendent of Police, Hingoli may kindly be directed to depute another officer in place of respondent no.4 for investigation in crime No. 88/2015 dated 01.05.2015 registered with Police Station, Hingoli (City).”

2 The learned counsel for the Petitioner submits that the statements of two persons i.e. (i) Jamil Ahmed Khan and (ii)

Rahematullah Khan, though were required to be recorded were never recorded by the concerned police officer. He further submits that still it has been shown that their statements were recorded.

3 In response, the affidavit in reply has been filed. Paragraph Nos.3 and 5 of said affidavit in reply read thus:

“3. The deponent say and submits that, the statements of witness namely Rahematullah Khan Md. Khan and Ismail Ahmed Khan s/o Chand Khan was recorded by the then Police Inspector Shri. Satish Taak personally. The statements of above two persons were typed by the writer of Police Inspector Shri Satish Taak and the name of the writer is Naik Police Constable Shri. Ambhore (B. No. 827).

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5. The deponent say and submits that, the statements of above two persons were recorded by the Police Inspector Shri. Satish Taak himself and were typed by his writer namely Shri. Ambhore on the Computer. In view of this, the affidavit given by Rahematullah Khan to the Superintendent of Police, Hingoli and the affidavit given by Jamil Ahmed Khan given to the Superintendent of Police, Hingoli on 3.6.2015 are false.”

4 We have perused the case diary statements of these two persons. The learned counsel for the Petitioner submits that the statements are not correctly recorded. We are afraid we would be able to travel into the present writ jurisdiction to what the learned counsel for the Petitioner has been attracting us. We do not find any substance in the present writ petition. Hence, the following order:

ORDER

- i. Criminal Writ Petition No.875 of 2015, is dismissed.
- ii. Liberty in favour of the Petitioner to take such remedy as available in law.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

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