

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.425/2014

Sushant Kalipath Banerjee ..vs..The State Information Commissioner and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

The petitioner in person.
Mr. S. S. Doifode, A.P.P. for respondent no.1.
Mr. A.S. Jaiswal, Senior Advocate with
Mr. A. M. Kukde, Advocate for respondent no.2.

CORAM : A.B. CHAUDHARI & P.N. DESHMUKH,JJ.
DATE : JULY 22, 2015.

Heard the petitioner in person who is a retired Office Superintendent from the South Eastern Railways. He had filed a private complaint case for an offence punishable under Section 500 of the IPC. According to him, when the case was in progress, his verification statement was not recorded by the learned Magistrate and simply dates were given. Hence, he requested the learned Magistrate to record his verification statement for making further progress in the case. However, according to him, the learned Magistrate misbehaved with him and had not recorded the statement and had finally dismissed the case also. Eventually, in fairness, Mr. Banerjee submitted that later on the said case stands restored

by virtue of the revisional order made by the revisional court and is now in progress.

Insofar as the present writ petition is concerned, his grievance is that he had made a complaint to Principal District Judge about misbehavior of learned Magistrate and accordingly, the Principal District Judge has set up an enquiry against the Magistrate and further grievance that in that enquiry, the statement was recorded but thereafter, he found that though his statement was never recorded in Marathi, the same was shown to have been recorded in Marathi and as a matter of fact, he being Bengali, does not much understand Marathi but understands Hindi, English and Bengali.

Affidavit-in-reply has been filed by the High Court as well as District Judge in which it is categorically stated that the statement was recorded in Marathi, which is the Court Language in the State of Maharashtra and not only that Mr. Banerjee has signed the same at the end of the statement in English, put his full name under his signature and it is not correct to say that the statement was later on changed or was never recorded in Marathi.

In the present writ petition, various affidavits were filed from both sides. The inspection of the original record was also said to have been granted to the petitioner. Mr. Jaiswal, learned Senior

Advocate, has also produced the original record of the enquiry before us.

Upon hearing the petitioner-in-person for quite some time and upon perusal of the record, we have ourselves compared the signatures of Mr. Banerjee at the end of the statement with his other signatures. His signature is in English and his contention that his signature appears to have been pasted on the original or photo copy, does not appeal to be sound to us. It is the only grievance made by Mr. Banerjee that his signatures appears to have been pasted on the originals. Upon physically checking of the record, we are unable to agree with Mr. Banerjee that the signatures have been pasted at the end of the statement, which is recorded in Marathi. The submission that statement should have been recorded in Hindi also does not appear to be correct. The further submission that he is not in a position to understand Marathi and hence statement could not be recorded in Marathi also does not appeal to us. Language of the Court is Marathi in this State and no fault could be found with the Enquiry Officer in recording statement in Marathi. We are not inclined to agree with Mr. Banerjee on that score also.

The upshot of the above discussion is that the record speaks otherwise contrary to what Mr. Banerjee contends. Be that as it may. The enquiry

ultimately culminated into exoneration of the concerned Judicial Officer for want of evidence and, therefore, we do not think that the petition should be continued any more. At the same time, we also take note of the fact that the complaint filed by Mr.Banerjee under Section 500 of the IPC stands restored to file.

In that view of the matter, following order is passed.

ORDER

(i) Criminal Writ Petition No.425/2014 is not entertained and is disposed of as such.

JUDGE

JUDGE