

**HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.2132 of 2015**

**ORDER:**

Heard the learned counsel for the petitioners and the learned Government Pleader for the respondents.

Petitioners herein are accused in Crime No.5 of 2015 dated 12.01.2015 pending before the Pithapuram Police Station, the 3<sup>rd</sup> respondent herein. The said crime is registered at the instance of and on the complaint of the 4<sup>th</sup> respondent. The petitioners seek that the third respondent police shall follow the provisions of Cr.P.C. while investigating the said crime and in particular the ratio of the decision of the Hon'ble Supreme Court in **ARNESH KUMAR v. STATE OF BIHAR** <sup>[1]</sup>.

The learned Government Pleader, who has received instructions from the respondents, said that in the complaint made by the 4<sup>th</sup> respondent serious allegations were made against petitioners 1 and 2 and during the course of investigation, statements of eight witnesses were recorded so far, which shows the involvement of petitioners 1 and 2. It is also stated that several warrants were pending against petitioners 1 and 2 with regard to cases initiated under Section 138 of Negotiable Instruments Act and it is a *prima facie* case made out against both of them. Evidently the petitioners are accused in the said crime and since they cannot seek special treatment so far as they are concerned during the course of investigation they are bound to cooperate with the Investigating Officer. Learned counsel for the petitioners states that whenever are they called upon by the Investigating Officer, petitioners 1 and 2 shall appear before him and shall permit the statements be recorded and in

all respects they will cooperate with the investigation. The Respondent No.3 therefore shall keep the aforesaid statement made on behalf of the petitioners in mind and proceed with the investigation of the crime and complete the same expeditiously and take such necessary possessive steps as required under law. No order as to costs. Miscellaneous Petitions pending if any in this writ petition shall stand closed.

**VILAS V.AFZULPURKAR, J**

Date: 26-02-2015

Rns.

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[\[1\]](#) 2014(2) ALT CrI.457(SC)