

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.10478 of 2015

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ORDER:

The petitioner questions issuance of notice under Section 41(A) Cr.P.C. The petitioner states that he is no way concerned with the complaint lodged by the 3rd respondent. It is further stated that the said notice also does not explain as to when he has to appear before the Investigating Officer nor contains any other details.

After hearing the learned counsel for the petitioner and the learned Government Pleader for Home, it is apparent that the present notice is issued in view of the orders of this Court dated 05-08-2014 in W.P.No.20746 of 2014, which was filed by the petitioner. In terms of the directions therein, the Investigating Officer has issued the impugned notice to the petitioner as the presence of the petitioner is stated to be necessary for the purpose of investigation. The petitioner, therefore, has to co-operate with the Investigating Officer in response to the notice to avoid coercive action against him. The petitioner is, therefore, at liberty to approach the Investigating Officer and give his statement including the contention that he is no way concerned with the 3rd respondent's complaint. As and when the petitioner appears before the Investigating Officer, he shall record the statement of the petitioner and thereafter proceed with the investigation in the crime aforesaid.

Accordingly, the writ petition is disposed of. No order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 16-04-2015

Prv

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