

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1093 OF 2016

Surendra Bhikaji Morye

Petitioner

versus

The State of Maharashtra and others

Respondents

Mr.Sandeep S. Ladda for Petitioner.

Mr.J.P.Yagnik, APP, for State.

Investigating Officer is present.

CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.

DATE : 28 June 2016

PC :

1. On 10 November 2014, an offence was registered against the Petitioner, who was discharging his duties as a Police Inspector at Versova Police Station, under Section 7 of The Prevention of Corruption Act, 1988 ('the Act') bearing CR No.80 of 2014 on the complaint made by second Respondent. By this petition, the Petitioner has prayed for quashing and setting aside the first information report bearing CR No.80 of 2014.

2. Learned counsel for the Petitioner submits that the Petitioner was falsely implicated in the case. Reliance is placed

on the statement of the owner of the house Mr.Haresh Patil. According to the Petitioner, on 11 January 2016, the concerned Police Station investigated the complaint made by Respondent no.3 herein (Mr.Haresh Patil) and registered FIR No.13 of 2016 dated 11 January 2016 against the second Respondent. It is submitted that the complaint/statement is unbelievable. No incident of the nature as alleged by the prosecution has happened. It is submitted that an honest police officer has been falsely implicated in a serious offence. It is submitted that the investigating agency has not filed final report so far before the Trial Court. The Petitioner was suspended due to registration of crime against him. In view of the facts and material brought on record, the learned counsel for the Petitioner prayed for quashing of the impugned FIR No.80 of 2014.

3. Learned APP produced original record before us. It is submitted that investigation is complete. The prosecution has collected strong evidence against the Petitioner including voice sample examination report from the Directorate of Forensic Science Laboratory, Kalina, Panchanama, CDR report etc. Learned APP, on instructions, states that a proposal for sanction to prosecute the Petitioner is pending before the appropriate authority of the Maharashtra State and within next four weeks, a decision will be taken and a final report will be filed before the Trial Court.

4. In the facts, we find that as the FIR in question was registered in the year 2014, the investigation ought to have been completed at the earliest. Two years have lapsed after registration of the impugned FIR. It seems from the statement made by learned APP that the investigation is complete in this case and the prosecution is awaiting orders on the proposal to prosecute the Petitioner, from the appropriate authority.

5. In the facts of the case and considering the record placed before us, we are not inclined to interfere in the matter. The issues raised by the Petitioner herein could be the issues relating to defence of the Petitioner, which cannot be gone into at this stage.

6. We observe that the competent authority shall pass appropriate orders on the proposal at the earliest and final report shall be filed by the investigating agency within six weeks from today on its own merits. All issues are kept open.

7. The State shall call for information regarding such cases pending investigation under Prevention of Corruption Act, 1988, where the Government servants, employees were suspended. The process needs to be expedited. Pending proposals for sanction in such cases shall be given priority and be disposed of on its merits. We direct the Principal Secretary, Home Department, Government of Maharashtra to issue

appropriate instructions covering such subject issues. The Petition is disposed of.

8. The Registrar, Judicial-I to forward a copy of this order to the Principal Secretary, Home Department, Government of Maharashtra.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

MST