

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1355 OF 2016

Vinayak Vijaysingh Chauhan **Petitioner**

V/s

The State of Maharashtra & Ors. **Respondents**

Mr. M.K. Kocharekar i/b Mr. Ganesh Bhujbal for the Petitioner.

Mr. K.V. Saste, APP for the Respondents/State.

CORAM : A.S. OKA &

A.A. SAYED, JJ.

DATED : 19 SEPTEMBER 2016

ORDER:

1 This is one of the several Writ Petitions filed in this Court by first Informant/victim of the alleged offences seeking the transfer of investigation. Our attention is invited to Circular dated 5 July 2012 which in turn refers to Circular dated 22 June 2012. The said Circular dated 5 July 2012 has been issued by the Special Inspector General of Police (L&O) on behalf of the Director General of Police, Maharashtra State. The said Circular seeks to create a machinery for going into the grievances of the victims of the offences/first informants as regards investigation carried out by the Police Officers.

2 Considering the fact that the grievances are being made by large number of victims/first informants as regards defective investigation or lack of proper investigation, it will be appropriate if the Director General of Police creates a grievance redress mechanism by notifying the officers who have been authorized to look into the grievances as regards investigation and even to take a decision regarding transfer of investigation. If such grievance redress mechanism is provided by the police, a forum will be available to the victims and the first informants to put forward their grievances regarding the investigation. We direct the Director of General of Police to issue a fresh Circular notifying the creation of grievance redress mechanism. As soon as such grievance redress mechanism is created, the details of such mechanism shall be displayed in each police station in the State so that first Informants/victims are made aware of availability of said mechanism.

3 In the present case, the Petitioner who is the first Informant made a detailed representation to the Joint Commissioner of Police (Crime), Mumbai on 18 February 2016, a copy of which is annexed to the Petition. Thereafter, he made one more representation on 19 May 2016 to the Deputy Commissioner of Police, Dahisar (East) and Assistant Commissioner of Police, Dindoshi Region, Malad (East), Mumbai. A copy of the said representation is also placed on record.

4 We direct the concerned Deputy Commissioner who is having jurisdiction over Dindoshi Police Station to look into both the representations made by the Petitioner. Before taking any decision on the basis of said representations, the Deputy Commissioner shall call for the files of the investigation. After examining the files and considering the representations, the Deputy Commissioner shall take appropriate decision within a period of three weeks from today.

5 We dispose of the Petition in terms of the above directions. For compliance with the direction issued to the Director General of Police as well as for reporting compliance with the direction issued to the Deputy Commissioner of Police, the Petition shall be listed on 10 October 2016 under the caption of “directions”.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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