

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

CRIMINAL WRIT PETITION (CWP) NO. 570 OF 2016

(Jitendra Narayanrao Ghosekar vs. State of Maharashtra thr. Secretary, Home Department & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
KUM. INDIRA JAIN, JJ.
DECEMBER 14, 2016.**

The matter was heard yesterday and adjourned to today to enable Shri J.Y. Ghurde, learned APP for the respondents to assist the Court.

2. Today, the learned APP, upon instructions, states that the respondents are not concerned in any way with the shop regarding which dispute is raised in this petition. The learned APP submits that its possession was never taken by any police authority and no material/ articles lying therein (as alleged) were removed at any point of time.

3. Shri P.S. Wathore, learned counsel for the applicant seriously disputes this. He submits that even footage of CCTV Cameras and hard disk have been removed by Police Inspector Shri Tijare.

4. Disputed questions arise. We are, therefore, not inclined to look into it in this jurisdiction. Admittedly, police authorities have completed investigation and charge sheet is presented to the Court of Judicial Magistrate First Class at Nagpur.

5. We, therefore, grant the petitioner Jitendra

Narayanrao Ghosekar liberty to move appropriate application in that Court within a period of one week from today for carrying out panchnama through an independent agency.

6. The learned JMFC shall, after receipt of such an application, appoint competent and independent person to be the Commissioner for the purpose of preparing such panchnama at the time and date specified in his order.

7. Respondent No. 4 – Police Inspector and the petitioner - Shri Jitendra Narayanrao Ghosekar, shall remain present while the Commissioner visits shop and prepares panchnama. Copies of panchnama shall be immediately handed over to the parties and its original shall be presented to the Court of JMFC, Nagpur.

8. It is open to the parties to video shoot the process at their own costs.

9. Keeping all other contentions open, as answer to them or challenge also is contingent upon the outcome of panchnama, we dispose of the present petition. No costs.

10. An ordinary copy of this order be furnished to the parties.

JUDGE

JUDGE

*GS.