

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1137 OF 2016

Namdeo s/o. Laxman Karkare,
Age 65 years, Occu. Religious work,
R/o. Bishop House, H.No.5-8-336,
Chapel Road, Hyderabad.

....Petitioner.

Versus

1. The State of Maharashtra,
Through its Secretary,
Home Department,
Mantralaya, Mumbai-32.
2. The Police Inspector,
Udgir Rural Police Station,
Udgir, Tq. Udgir, Dist. Latur.
3. Prelata Amrut Suryawanshi,
Age Major, Occu. Nil.,
R/o. Janwada Road, Nawadgiri,
Bidar, Karnataka.

....Respondents.

Mr. V.J. Dixit and Mr. R.B. Raghuwanshi, Senior Counsels i/b. Mr. A.N. Nagargoje, Advocate for petitioner.

Mr. R.V. Dasalkar, APP for respondent Nos. 1 and 2.

Mr. B.R. Warma h/f. Mr. Ujjwal Agrawal, Advocate for respondent No. 3.

CORAM : T.V. NALAWADE, J.
DATED : March 23, 2017.

ORAL JUDGMENT :

- 1) Rule. Rule made returnable forthwith. By consent, heard both the sides for final disposal.

2) The petition is filed to challenge the order made by the learned Judicial Magistrate, First Class, (J.M.F.C.) Udgir in 'B' Summary Report filed in C.R. No. 89/2015 registered in Udgir Rural Police Station. The learned Senior Counsel for petitioner argued the matter on limited point, the jurisdiction of the Magistrate to give direction to Local Crime Branch (L.C.B.). Other side is heard on it.

3) The learned Senior Counsel for petitioner took this Court through the provision of section 156 of Criminal Procedure Code (Cr.P.C.). The provision shows that the Magistrate has power to give direction only to concerned police station, having jurisdiction over the offence to make investigation of the case by exercising such power. The learned Senior Counsel placed reliance on the observations made by the Apex Court in the case reported as **AIR 2015 SC 3556 [Chandra Babu @ Moses Vs. State through Inspector of Police and ors.]**. The learned counsel for respondent, original complainant submitted that L.C.B. has jurisdiction over the entire district and so, the Magistrate has not committed any error in exercising the power in view of the wording of provision of section 156 of Cr.P.C. There is no scope to infer that the Magistrate can give direction to any

other agency than the police station mention in this section. There is certainly power with the Superior Officers like Superintendent of Police or Inspector General to give the investigation to other agency in respect of the crime registered in particular police station. But, after giving direction by the Magistrate to register the crime, nothing is left in the hands of the Magistrate and further step can be taken only by the Superior Officer like Superintendent of Police. In view of these circumstances, this Court holds that interference is warranted in the order made by the J.M.F.C. and the order needs to be modified to make it in accordance with the provision of section 156 of Cr.P.C.

4) In the result, the petition is partly allowed. Direction given by the Magistrate is to read as direction given to Udgir Rural Police Station. All the points are kept open.

Rule is made absolute in aforesaid terms.

[T.V. NALAWADE, J.]

ssc/