

Rane

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WP-1355-2015 (sr.23)
Tuesday, 8.8.2017

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 1355 OF 2015

Chandansingh Jawaharsingh
Rajpurohit

....Petitioner

V/s.

The State of Maharashtra & 7 Ors.

....Respondents

* * * * *

Mr. S.R. Dubey, Advocate for the petitioner.

Mr. J.P. Yagnik, Additional Public Prosecutor for the
State.

CORAM :-

R.M. SAVANT &

SANDEEP K. SHINDE, JJ.

DATE :-

8TH AUGUST, 2017.

P.C. :-

1. The above writ petition has been filed seeking a direction against the Commissioner of Police, Thane to register an FIR against respondents no.3 to 9 for unlawful detention of the petitioner, for extorting money and for abusing public office.

2. The cause for filing of the petition is the

complaint dated 23rd September, 2014 to the Commissioner of Police, Thane and the other police officers in the hierarchy. The said complaint was made by the brother of the petitioner one, Bhavasingh Raj Purohit. The allegation made in the said complaint was that the petitioner was illegally picked up on 21st September, 2014 from his shop "Jagdamba Jewellers" and physically assaulted, as a result of which, the petitioner suffered several injuries. It was further alleged that, he was brought to his house at 11.00 p.m. and forcible possession of the gold ornaments of the wife of his brother were taken possession of. On the said complaint, which is annexed to the writ paper-book at page-28, an endorsement was made to the Joint Commissioner of Police, Thane in favour of the DCP, Zone-(IV), Thane directing him to enquire and report within a week. It seems that, an enquiry was conducted by the DCP, Zone-(IV) who has submitted his report dated 28th July, 2015 to the Joint Commissioner of Police, Thane. In the said report, the incidents of chain snatching have been

mentioned. It is further stated that, on account of increase in chain snatching and on receipt of information, a watch was kept. As a result of which, one Mandeep Singh and his girlfriend, one Pinky were accosted. It is in their interrogation that, it was revealed that they had sold 10 to 12 mangalsutras to the petitioner and his brother. It is on the statement of the two accused that the shop of the petitioner was visited by the police officers, on which visit melted gold was produced by the said brother. It is in the course of the said interrogation of the two accused that, the complicity of the petitioner was found in respect of the nine other offences which were already registered. The aforesaid is only the gist of the detailed report of the Commissioner of Police, Zone-(IV), Thane. The said report has been considered by the Joint Commissioner of Police, Thane on 31st July, 2015 who has endorsed on the said report that, the allegations made by the petitioner are not substantiated during the enquiry. Hence, insofar as, the complaint of the brother of the petitioner which he made on 23rd September, 2014, the

same has been looked into by the higher authorities i.e. the Deputy Commissioner of Police, Zone-(IV) as also the Joint Commissioner of Police, Thane.

3. The Learned Counsel for the petitioner, sought to draw our attention to the photographs which have been annexed to the petition, which according to him substantiate the case of the petitioner of the alleged physical assault by the police officers. It was his submission that, though the offence in question has been registered on 21st September, 2014, the petitioner was arrested a good two months thereafter. Insofar as, the said alleged physical assault is concerned, we queried the Learned Counsel for the petitioner as to whether the petitioner has complained to the Learned Magistrate when he was produced before the Learned Magistrate for remand after his arrest. The Learned Counsel did not answer one way or the other. However, the Learned APP on the basis of the papers pointed out that, no such grievance was made before the Learned Magistrate when

the petitioner was produced for remand. Hence, if the petitioner had any grievance as regards the alleged physical assault by the police, the first opportunity for him was to make a grievance before the Magistrate when he was produced for remand, notwithstanding the fact that, he had made a complaint to the higher officials in the police on 23rd September, 2014. Hence, we do not see any warrant to grant the relief sought by the petitioner by way of the above petition of directing some other investigating agency to investigate into the grievance of the petitioner. The writ petition is accordingly dismissed.

4. Needless to state that, any observations made in the order would not influence the trial.

(SANDEEP K. SHINDE, J)

(R.M. SAVANT, J)