

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.408 OF 2014

Mr. Satyaram Radheshyam Gaud ...Applicant
Versus
Mr. Ramesh Ramchandra Kanojia &
Anr. ...Respondents

...

Mr. Satyaram R. Gaud, the Applicant in-person present.
Ms M.H. Mhatre, APP for Respondent No.2-State.

CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.

DATED : 13th JANUARY, 2017.

P. C. :

Heard the Applicant in person. The prayer in this application is for quashing NC complaint registered at Agripada Police Station under section 155(1) of the Code of Criminal Procedure, 1973 (for short 'the said Code'). The Applicant appearing in-person, who is a member of the Bar pointed out that his name appears in the NC complaint recorded by the Police and therefore, it will operate as stigma against him. He has referred to the documents annexed to this Application.

2. Under Sub Section (1) of section 155 of the said Code, when information is given to an officer in charge of a police station of

commission of a non cognizable offence within the limits of such police station, he is under an obligation to enter the substance of the information in a book to be kept by such officer in such form as the State Government may prescribe. After making an entry in the register, the officer incharge is required to refer the informant to the learned Magistrate. Sub section (2) of Section 155 of the said Code provides that no police officer shall investigate a non- cognizable case without an order of a learned Magistrate. The learned APP on instructions of the concerned officer states that in the present case, neither the informant nor the police sought an order under Sub Section (2) of Section 155 of the said Code for carrying out investigation.

3. As provided in Sub Section (1) of Section 155 of the said Code, while recording the information in the register it is specifically recorded that the informant be informed to seek appropriate relief under Section 155(2) of the said Code.

4. Thus, no action has been taken till today on the basis of the said entry made on 5th January, 2013 in terms of Sub Section 1 of Section 155 of the said Code. Hence, the information recorded has become stale. It is now too late for the informant to act upon it.

5. Hence, we do not agree with the Applicant, who is appearing in-person that the registration of information in terms of Sub Section 1 of Section 155 of the said Code will operate as a stigma against him. As stated earlier, what is recorded is only an information regarding the alleged commission of a non cognizable offence. The entry made on 5th January, 2013 will not operate as stigma against the Applicant. Subject to what is observed above, the application is disposed of.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)