

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINALAPPLICATION NO. 909 OF 2016

Mr. Vijay Balasaheb Ghule ... Applicant
Vs.
State of Maharashtra & Ors. ... Respondents

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None for the Applicant.
Dr. F. R. Shaikh, APP for Respondent No.1-State.
Mr. Prasanna K. Shahane i/b. Mr. Milind Deshmukh for
Respondent No 3.
Mr. D. S. Mhaispurkar for Mr. P. T. Nanaware-the earlier
Investigating Officer.

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**CORAM : S. C. DHARMADHIKARI &
PRAKASH D. NAIK, JJ.**

DATE : APRIL 28, 2017.

P.C. :

1. After having perused the affidavit filed by the earlier Investigating Officer Mr. Prakash Tukaram Nanaware, we are satisfied that the delay has occurred on account of genuine and *bona fide* reasons. It is because of the illness, and eventually, the decision to take voluntary retirement that the said Officer was in stress and tension. He has given explanation which does not suffer from lack of *bona fides*, nor exhibits utter negligence. His apology also appears to be genuine.

2. In the above circumstances, we discharge the notice of contempt.

3. Since this earlier Investigating Officer has applied for voluntary retirement and his request has been granted in terms of the communication dated 3rd April, 2017 (page 140 of the paper book), our earlier direction not to process his pension papers, nor release his terminal benefits, stands vacated.

4. The applicant and the Advocate are absent, though the matter has appeared on board and with same appearances on the earlier occasion. We are of the opinion that *prima facie* case is made out against this applicant. Upon a perusal of the F.I.R. and the statement of the complainant, we are of the opinion that relying on the version of the applicant, the F.I.R. cannot be quashed. Keeping open all contentions on merits of the issue and controversy, we dispose of this Criminal Application.

(PRAKASH D. NAIK, J.)

(S. C. DHARMADHIKARI, J.)