

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

CRIMINAL APPLICATION (APPW) NO. 23 OF 2017
IN CRIMINAL WRIT PETITION (CWP) NO. 844 OF 2016

(Abhay s/o Vijay Patekar vs. Rajesh Ghiwdhonde & 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 &
V.M. DESHPANDE, JJ.
APRIL 12, 2017.**

Heard Shri Abhay V. Patekar, the applicant/
petitioner-in-person and Shri A.S. Fulzele, learned APP for
non-applicant/ respondent Nos. 10 to 13.

2. On last occasion, after hearing the applicant/
petitioner, we have requested him to obtain legal advise and
as Shri D.V. Chauhan, learned counsel was present in the
Court, he was requested to help him out. Accordingly, Shri
Chauhan, learned counsel told us today that he has gone
through the papers and tried to ascertain the grievance of
the applicant/ petitioner.

3. The applicant/ petitioner has today shown to us
the orders of this Court dated 16.01.2017 passed in
Criminal Writ Petition No. 844 of 2016 and the certified
copy received by him on 11.04.2017 of the communication
sent by the Assistant Superintendent, J.M.F.C. Court No. 2,
Nagpur, to the Police Station Officer, Police Station
Sitabuldi, Nagpur. The copies of two Criminal Complaints
(drafts) are also shown to us.

4. A perusal of certified copy of the communication

dated 19.01.2017 having Outward No. 36 of 2017 (mentioned supra) shows that RCC No. 44461 of 2016 filed by Shri Abhay was pending on 19.01.2017 and till then Police Department had not submitted the report under Section 202 of the Criminal Procedure Code. The Assistant Superintendent had reminded the Police Station Officer to submit that report on or before 17.02.2017. Shri Abhay informs that till today that report is not submitted.

5. After hearing, we find that he has got grievance against the influence of land mafia on Police Department. He points out that earlier investigation carried out into his grievance has not resulted in any positive material and everything was whitewashed. He apprehends that even present investigation being carried out by the very same department would receive the same treatment. We leave his contention open.

6. In Criminal Application No. 23 of 2017 filed before us, the prayer is to restore CWP No. 844 of 2016 as the orders dated 16.01.2017 mentioned supra have disposed of that petition.

7. In this situation, though the learned APP is opposing any intervention by this Court, taking overall view of the matter, we direct the Police Station Officer, Sitabuldi Police Station, Nagpur (Respondent No. 13 in CWP No. 844 of 2016), to comply with the directions issued by the learned J.M.F.C. Court No. 2, Nagpur in RCC No. 44461 of 2016, within a period of two weeks from today and to submit necessary compliance to that Court forthwith.

8. We grant liberty to Shri Abhay Patekar,

applicant/ petitioner-in-person to come again, if this direction is not complied with.

9. With these directions and keeping all rival contentions open, we dispose of the present Criminal Application. No order as to costs.

JUDGE

JUDGE

*GS.