

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Criminal Application No.245 of 2014

* Govind Trambakrao Kanadkhedkar,
Age 54 years,
Occupation: Service as Gramsevak,
R/o Labour Colony, Nanded. .. **Applicant.**

Versus

- 1) The State of Maharashtra.
- 2) R.D. Jondhale,
Age Major, Occu: Service,
R/o Tahsil Office, Hadgaon,
Taluka Hadgaon, Dist Nanded.
- 3) The State of Maharashtra
Through the Investigating Officer,
Hadgaon Police Station,
Taluka Hadgaon, Dist. Nanded.
- 4) The Tahsildar,
Tahsil Office, Hadgaon,
Taluka Hadgaon, Dist Nanded. .. **Respondents.**

Shri. Ashish B. Shinde, Advocate, for applicant.

Shri. M.M. Nerlikar, Additional Public Prosecutor, for
respondent Nos.1,3 and 4.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 1 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.41/2013 registered with Hadgaon Police Station, District Nanded for offence punishable under section 20 of the Collection of Statistics Act, 2008. Both the sides are heard.

2) The present applicant was working as Gram Sevak of a village. One training programme was arranged of Gram Sevaks for the work of 6th Statistical Survey 2013. The Gram Sevaks were expected to attend the training place on 11-10-2013. It is contended that even after giving specific intimation to the Gram Sevaks they did not turn up and so they committed offence under section 20 of the aforesaid Act.

3) Record is produced to show that written intimation was received by the applicant on 17-10-2013 when the training programme was on 11-10-2013. It was submitted that the Block Development Officer had

informed the applicant and other Gram Sevaks that they were to attend the training programme and it was done on telephone.

4) Section 24 of the Act shows that court is not expected to take cognizance of any offence under this Act except on a complaint made by appropriate Government or an officer authorised in this behalf by such appropriate Government or the statistics officer. In the present matter FIR was given and no complaint was filed. Further, in view of the nature of the offence described in section 20 and the punishment provided of 6 months or fine, it cannot be said that cognizance could have been taken by police on the basis of the F.I.R. Thus, there is no alternative than to grant the relief. In the result, the application is allowed. Relief is granted in terms of prayer clause (B). Rule is made absolute in those terms.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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