

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.15 OF 2018

Swapnil Sudhir Tupe : Petitioner.
Versus
Commissioner of Police
Pune City Pune and ors. : Respondents.

Mr. Ashok B Tajane for the Petitioner.
Mrs. M M Deshmukh, Addl. PP for the Respondent/State.

**CORAM : R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE : 12th APRIL 2018

P.C.

1 The Petitioner is the first informant in respect of an FIR being No.365 of 2017 registered for the offences punishable under Sections 306, 384, 387 and 34 of the Indian Penal Code. The said FIR dated 14/04/2017 has been registered with the Hadapsar Police Station, Pune.

2 It seems that one of the main accused i.e. Datta Kaniphnath Devkar filed an application for bail which came to be rejected by the learned Additional Sessions Judge, Pune by order dated 15/05/2017. The reasons for rejecting the said application find a place in the said order dated 15/05/2017. Thereafter the accused Datta Devkar filed an application invoking Section 166(2)(a)(ii) of the Criminal Procedure Code. The said application came to be allowed by the learned JMFC, Cantonment Court, Pune by order dated

14/06/2017 and the Applicant came to be released on bail subject to the conditions mentioned in the said order dated 14/06/2017 which was passed by the JMFC, Cantonment Court, Pune. However, what is significant to note is in clause (3) of the said order dated 14/06/2017 the learned JMFC deemed it appropriate to issue notice to the concerned IO as to why matter should not be referred to his higher authority for taking action against him as he has not filed charge-sheet within stipulated time.

3 The instant Writ Petition has been filed for two fold reliefs viz. that the Respondent No.1 i.e. the Commissioner of Police, Pune City Pune be directed to conduct an enquiry against the Respondent Nos. 4 to 6 as per the complaint of the Petitioner dated 07/11/2017 and submit a report to this Court. The second relief sought is that appropriate directions be issued against the Respondent Nos.8 to 10. However, the learned counsel appearing on behalf of the Petitioner Shri A B Tajane is not in a position to make a statement in one way or the other as regards the outcome of the directions issued by the learned JMFC in the said order dated 14/06/2017.

4 Having regard to the seriousness of the matter and considering the fact that the Petitioner has already addressed a letter dated 07/11/2017, we deem it appropriate to issue the following directions :-

The Respondent No.1 is directed to consider the said complaint dated 07/11/2017 addressed by the Petitioner to the Assistant Commissioner of Police, Vanvadi Division, Magarpatta, Hadapsar, Pune and after considering the said complaint take appropriate decision in that regard. However, the same would be not necessary if the directions as contained in the order dated 14/06/2017 passed by the learned JMFC, Cantonment Court, Pune have already been acted upon. In the event the directions as contained in the said order dated 14/06/2017 have not been acted upon, the Commissioner of Police, Pune City Pune is directed to take appropriate action upon the Petitioner's letter dated 07/11/2017 within 6 weeks from date and communicate to the Petitioner its outcome.

5 With the directions as aforesaid, the above Writ Petition is disposed of.

[SARANG V. KOTWAL, J]

[R.M.SAVANT, J]