

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

CRIMINAL WRIT PETITION NO. 751 OF 2018

Sanjay Laxman Chauhan : Petitioner.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. Kamlesh Hadkar i/by SAVJ Law, Solutions for the Petitioner.
Mrs. S D Shinde, APP for the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 16th JULY 2018

P.C.

1 The order passed by the State Police Complaints Authority dated 03/11/2017 is taken exception to by way of the above Writ Petition to the extent it exonerates the other police officer i.e. the Respondent No.3 against whom allegations were made by the Petitioner of illegal detention. The said State Police Complaints Authority is constituted under Section 22Q of the Maharashtra Police Act, 1951 and is headed by a learned Retired Judge of this Court. The said State Police Complaints Authority has on the basis of the material come to a conclusion that it is only one of the Respondents i.e. the Respondent No.4 herein Satish Krishna More who can be held responsible for the alleged illegal detention and therefore exonerated the other police officer i.e. the Respondent No.3 herein Shivaji Uttam Bade against whom allegations were also made by the Petitioner. In so far as the Respondent No.4 is

concerned, his case has been recommended by the State Police Complaints Authority to the Home Department for departmental enquiry.

2 The finding of the said State Police Complaints Authority is sought to be contested by the learned counsel for the Petitioner by drawing our attention to some factual aspects. In our view, since the State Police Complaints Authority has recorded a finding of fact on the basis of the material on record it is not possible for us in our writ jurisdiction to re-appreciate the facts and arrive at a different conclusion than the one reached by the State Police Complaints Authority by making the police officer, who has been exonerated, also responsible for the alleged illegal detention. We therefore do not deem this fit case to exercise our writ jurisdiction. The above Writ Petition is accordingly dismissed.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]