

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

**CRIMINAL APPLICATION NO.157 OF 2018
IN
CRIMINAL WRIT PETITION NO.1523 OF 2016**

Ashok Mahadeo Sawant : Applicant.
Versus
The State of Maharashtra and ors. : Respondents.

Mr. B A Lawate for the Applicant.
Mr. A A Kumbhakoni, Advocate General i/by Mr. K V Saste, Addl. PP for
the Respondent/State.

**CORAM : R. M. SAVANT &
REVATI MOHITE DERE, JJ.**
DATE : 1st AUGUST 2018

P.C.

1 The only relief sought by way of the above Criminal Application is that a direction be issued to the State Police Complaints Authority to decide the Applicant's complaint being No.61 of 2017 on its own merits.

2 It seems that the complaint made by the Applicant is against an officer of the rank of Assistant Commissioner of Police as well as the officers of the rank of Police Inspector and below. In so far as the Assistant Commissioner of Police is concerned, the allegation against the said officer is in the Affidavit in Rejoinder dated 27/10/2017 filed by the Applicant before the State Police Complaints authority. Hence in terms of Section 22(Q) read with Explanation

to Section 22R and Rule 3 of the Maharashtra Police Act, 1951, since the Assistant Commissioner of Police is equivalent to the Deputy Superintendent of Police in the District, the complaint against such a officer would lie before the State Police Complaints Authority. The complaints against the officers below the rank of Deputy Superintendent of Police lie before the Divisional Police Complaints Authority.

3 However, in the instant case as indicated above the complaint is both against the officer of the rank of Assistant Commissioner of Police as well as the officers of the rank of Inspector of Police and below. The learned Advocate General Shri A A Kumbhakoni states that such a scenario where the complaint is composite i.e. against two sets of officers and which would lie before different authorities is not covered by the Rules. He states that an amendment is required to the said Rules which would take time. The learned Advocate General however fairly states that in view of the fact that the allegations against the Assistant Commissioner of Police can be looked into by the State Police Complaints Authority and since the allegations made against the Inspector of Police and the officers below that rank are based on the same set of facts, the State Police Complaints Authority can also look into the said allegations.

4 In the light of the afore-stated facts, we direct the State Police

Complaints Authority to hear and decide the Applicant's complaint expeditiously and not later than 20/09/2018. Needless to state that the same would be decided on its own merits and in accordance with law.

5 In so far as Respondent Nos.5 and 6 are concerned, their case would be covered by the directions as contained in paragraph 14 of the order dated 26/09/2017 of the Division Bench passed in Writ Petition No.1523 of 2016 and the State Police Complaints Authority is therefore not required to consider their cases. With the directions as aforesaid, the above Criminal Application is disposed of.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]

Laxmikant
Gopal
Chandan

Digitally signed by
Laxmikant Gopal
Chandan

Date: 2018.08.03
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