

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

WRIT PETITION NO.1891 OF 2015

Jitendra Anandrao Chavan	.. Petitioner
Versus	
Public Information Officer	.. Respondent

...

Mr. Prosper D'Souza for the petitioner.
Mrs.A.S. Pai, APP for the State in both the petitions.

**CORAM: SHRI RANJIT MORE &
SMT. BHARATI H.DANGRE, JJ.**

DATED : 17th SEPTEMBER 2018

P.C:-

1 The present petition is preferred by the petitioner through jail and Shri Prosper D'Souza was appointed as a counsel to represent the petitioner.

The petitioner has raised a grievance that the authority under the Right to Information Act, 2005 had proceeded to dispose of his appeal by ex-parte order.

2 The petitioner has sought an information from the Information Officer about the status of one Shri S.V. Wadekar,

Assistant Police Inspector who was the Investigating Officer investigating the crime registered against him under Sections 307, 304 II, 506 of the IPC and Section 25 of the Juvenile Justice Act. The grievance raised by the petitioner is that Shri Wadekar was sought to be examined as a witness as he was the Investigating Officer and in that capacity he had filed the charge-sheet.

The petitioner had filed an application before the Sessions Judge, Greater Mumbai in Sessions Case No.869 of 2011 seeking permission to examine certain defence witnesses. As far as prayer to examine Investigating Officer Shri Wadekar, who according to the petitioner, had carried out the investigation and filed the first charge-sheet, in which the petitioner was arrayed as the accused was a relevant witness. However, the said application was rejected by the Sessions Judge, since the prosecution had submitted that Shri Wadekar had been suspended as his integrity was doubtful and Shri Wadekar had not deliberately shown the petitioner as an accused but had recorded under Section 161 of the Code of Criminal Procedure citing him as a witness.

3 The petitioner sought information from the Information Officer who supplied him the information on 27th December 2013 to the effect that Shri Wadekar was not an Investigating Officer and he was never under suspension.

4 Based on the said information, the submission of the petitioner is that the application of the petitioner was rejected on the ground that Shri Wadekar was under suspension and therefore, he could not be examined as a witness. However, as a matter of fact, under the information sought from the Deputy Superintendent of Police (PIO), Thane Gramin, Thane, the said fact is not substantiated. He had sought information about service details of Shri Wadekar and has to in what offences he had carried out investigation. However, the Police Superintendent had given misleading information and therefore, he had preferred a First Appeal which came to be decided ex-parte.

5 Learned APP, on instructions, submit that the petitioner has now been convicted for an offence punishable under Section 376(2)(c), 377, 307, 304 II, 506 and Section 25 of the Juvenile Justice Act. In view of this, statement is accepted.

In light of above, we are not inclined to interfere in the petition. Hence, writ petition is dismissed.

6 Registry is directed to communicate this order to the petitioner to Kalamba Jail, Kolhapur Central Prison.

(SMT. BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)