

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.1917 OF 2013

Mahadeo Vishwanath Bhutavle.] ... Petitioner

Versus

Asstt. Commissioner of Police]
Shri Amit Kale, Kalwa Division, & Ors.] ... Respondents

Mr. Naveen Chomal for Petitioner.

Mr. K. V. Saste, APP for State.

Mr. Dinesh P. Adsule h/f Mr. Ganesh M. Mohite for Respondent No.5.

CORAM :- B. P. DHARMADHIKARI &
SARANG V. KOTWAL, JJ.

DATE :- DECEMBER 14, 2018

P. C. :-

1. Heard respective Counsel.
2. Perused reply Affidavit.
3. We find that some disputed questions arise. The grievance made by the Petitioner is serious and need to be inquired into by an independent authority.

4. Learned Counsel for the Petitioner has submitted that because of his earlier complaint, the Commissioner of Police has asked the ACP to inquire but then that inquiry was also not held in fair and impartial manner.

5. Learned Counsel for Respondent No.5 disputes this.

6. We, in view of this dispute and considering that facts need to be crystallized first, find it not suitable to record any conclusive finding at this stage.

7. Learned APP invited our attention to Section 22P and Section 22F of the Maharashtra Police Act. By Section 22P, the State Police Complaint Authority has been established under the Chairmanship of a retired Judge of this Court. It appears that under Section 22S, there is a Divisional Level police complaint authority which functions with retired Principal District Judge as its Chairperson.

8. We are informed that if grievance of a citizen is against an officer up to the cadre of ACP, jurisdiction is with Divisional Level authority. For grievance against the superior officer, the State Police Complaint Authority is competent.

9. Here, the Petitioner has already approached the Police Commissioner and he has grievance against the ACP also.

10. We, therefore, grant him opportunity to make appropriate complaint in terms of Section 22P before the State Police Complaint Authority. If such complaint is made within four weeks from today, the said Authority shall verify the fact and initiate appropriate action within three months.

11. With these directions and keeping all rival contentions open and with liberty to the Petitioner to approach again if grievance subsists thereafter, we dispose of the present petition.

(SARANG V. KOTWAL, J.)

(B. P. DHARMADHIKARI, J.)