

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL PUBLIC INTEREST LITIGATION NO. 72 OF 2013

Aparna Saheblal Dubey and anr.Petitioners
versus
The State of Maharashtra and ors.Respondents

None for the petitioners.
Ms. Prajakta P. Shinde, APP for the State.

**CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.**

DATE : 22nd NOVEMBER, 2018.

P. C. :

The petition is filed seeking following reliefs :

- a) *the entire registered cases of above matters may be scrutinized by a Committee, under the Chairmanship of a Retired High Court/Supreme Court Judge, who will fix the liabilities and on the basis of his Report, the actions will be initiated against the erring officers and FIRs would be lodged against them.*
- b) *the investigation be transferred to some other investigating agency, functioning under Central Government authority/under the superintendent of Police/Retired IPS Officers. The said agency be directed to bear in mind the points raised by the Petitioner in the Petition.*
- c) *Directions may kindly be given that, the Respondent Nos.2 to 4 shall appoint one lady D.Y.S.P. or A.C.P. in the various District of Maharashtra for the matters related to POSCO and rape cases which should be investigated by them properly.*
- d) *Direction may also be given to form a committee/cell where the head of that committee could be a Retired IPS Officer in each District of Maharashtra.*
- e) *Directions may also be given to the Respondent Nos.2 to 4 to suspend Respondent Nos.6 to 8 for doing deliberate act in their*

duties and also initiate enquiry against them as per the provisions of law.

2. So far as reliefs claimed in prayer clauses (a) and (b) are concerned, in paragraph 2 of the affidavit dated 27th July, 2017, filed by Smt. Jayshree Desai, Sub-Divisional Police Officer, Junnar Division, Pune Rural, following averments are made :

2. I say and submit that with reference to C.R.No-94/2013, C.R.No-99/2013 and C.R.No-104/2013 lodged at Narayangaon Police Station, Pune Rural Police, Pune, it is humbly submitted that the prime accused in the above three cases is convicted by the Hon'ble Special Judge (POCSO), Khed-Rajgurunagar, Pune vide Judgment and Order dated 28/09/2016. The officers of Pune Rural Police has made best of their efforts in proving the said case as per the prevailing laws and as per the yardsticks of the rules of evidence. That the prime accused in the said offences Mr.Mahadev Asaraji Borade was sentenced to rigorous imprisonment upto ten years by the Hon'ble Special Judge, (POCSO), Khed-Rajgurunagar, Pune. The said copy of Order and Judgment is annexed herewith as "Exhibit-A".

In the light of these averments, the prayers (a) and (b) will not survive.

3. So far as reliefs claimed in prayer clauses (c) and (d) are concerned, the learned APP has placed on record a communication dated 6th July, 2017 by the Special Inspector General. The communication shows that sufficient lady Dy.SP/officers are appointed in

each and every police station in various District of Maharashtra and, therefore, the relief claimed in these prayer clauses is also rendered infructuous.

4. So far as relief claimed in prayer clause (e) is considered, in paragraphs (3) and (4) of the affidavit dated 27th July, 2017, filed by Smt. Jayshree Desai, Sub-Divisional Police Officer, Junnar Division, Pune Rural, following averments are made :

3. *I say that with reference to disciplinary actions against the delinquent officer/the then Narayangaon Police Station Incharge Mr.M.N.Sarangkar who had negligently released the Accused No.2, Vasant Balwant Gite on bail although the said accused was not enlarged on bail by the Hon'ble Sessions Court, Pune, it is humbly submitted that thereafter diligently inquiry was conducted by the Sub-Divisional Police Officer, Junnar Division, Pune Rural Police. After conducting the said inquiry, the inquiry report was prepared by Sub-Divisional Police Officer, Junnar Division, Pune Rural Police on 07/03/2014. The said inquiry report was thereafter submitted to Spl. Inspector General of Police, Kolhapur Range for necessary punitive actions. Pursuant to that the Spl. Inspector General of Police, Kolhapur Range after complying the tenets of natural justice and after appreciating the evidence had imposed punitive action of "one stoppage of increment for 1 year without there any effect in future increment" vide his order dated 09/02/2015. I crave leave to rely upon and produce copy of said order as and when directed by this Hon'ble Court.*

4. *It is humbly submitted that the said punitive actions*

were initiated diligently by the Superintendent of Police and Spl.Inspector General of Police, Kolhapur Range against the said delinquent police officer Mr. M. N. Sarangkar for negligence in the discharge of official duties or in carrying out the official work assigned or pertaining to such Police Officer as per the prevailing provisions of Maharashtra Police Act, 1951 as mentioned in the above clause supra. The said punitive action was necessary in the interest of justice and public policy.

In the light of the said averments, the grievance made in the said prayer clause also does not survive.

5. In view of the above, there is nothing to keep the PIL pending and the same is, accordingly, disposed of.

[REVATI MOHITE DERE, J.]

[RANJIT MORE, J.]