

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.13846 OF 2018

**BALASAHEB PUNJARAM MULE
VERSUS
BABASAHEB VITHOBA MULE AND OTHERS**

...
Advocate for the Petitioner : Shri B. A. Darak
AGP for Respondent Nos. 3 to 6 : Shri N. T. Bhagat

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CORAM : RAVINDRA V. GHUGE, J.
DATED : 14th JANUARY, 2019.

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PER COURT :

1. This Court (Coram : N. M. Jamdar- J.) has passed a detailed order on 12/12/2018 observing two things. Firstly, that this petition needs to be disposed off as the appellate authority has now heard the parties. It is also informed that the matter is now reserved for orders on 09/01/2019. Secondly, that a notice from the Police Station, Partur issued by the in-charge of S.H.O., who was the Assistant Police Inspector Shri M. L. Pawar, was served upon the petitioner without the police station maintaining any record about the issuance of the said notice. This Court, therefore, recorded that the incharge of the concerned police station will have to file an affidavit and explain the situation since the said notice would

be purely a piece of paper if it is not issued by following the due procedure laid down in law.

2. The learned AGP submits that Shri Rameshwar Tukaram Renge, who is presently working as Police Inspector and present in the Court, has entered an affidavit dated 11/01/2019. It is pointed out that the concerned Police Inspector was on leave on 07/12/2018 and the In-charge Officer Shri Pawar issued the notice on 07/12/2018. The explanation of Shri Pawar addressed to the Police Inspector dated 09/01/2019 is placed on record which indicates that the notice left the police station without any police record on account of the pressure of work.

3. I am not convinced by the explanation offered by Shri Pawar. It is a routine procedure in Government Departments and such police stations that an official communication does not leave the police station until it is passed through the outward register and is transmitted strictly in accordance with the procedure. I, therefore, informed the learned AGP that the said Assistant Police Inspector Shri Pawar will have to be

subjected to cost in the light of the order passed by this Court
(Coram : N. M. Jamdar- J.).

4. The learned AGP submits, on instructions, that Shri Pawar will deposit an amount of Rs. 5,000/- (Rupees Five Thousand only) from his own salary account by Account Payee Cheque. Shri Darak graciously submits that the said amount be donated for the poor patients.

5. As such, the said amount shall be deposited with the Government Medical College and Hospital, Aurangabad, **through Medical Officer, High Court Dispensary, Aurangabad**, either in cash or by Demand Draft (**Demand draft be drawn in the name of “Dean, Government Medical College and Hospital, Dengi Samiti, Aurangabad”**) on or before 31/01/2019, failing which this Court would proceed to initiate suo-moto contempt proceeding against the concerned officer Shri Pawar.

6. With the above directions, this petition stands disposed off.

(RAVINDRA V. GHUGE, J.)

shp/-