

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1772 OF 2017

Kisan S/o Mahadev Avhad,
Age : 48 Years, Occ. Agriculture
and Social Work,
R/o. Jambhali, Tq. Pathardi,
Dist. Ahmednagar.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
Home Department, Mantralya,
Mumbai- 32.

2. The Superintendent of Police,
Ahmednagar

3. The Police Inspector,
Pathardi Police Station,
Tq. Pathardi, Dist. Ahmednagar

..RESPONDENTS

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Advocate for the Petitioner : Mr. N. B. Narwade
A.PP for respondent-State : Mr. M.M. Nerlikar

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**CORAM :T.V. NALAWADE AND
 MANGESH S. PATIL ,JJ.
DATE : 22nd APRIL, 2019.**

ORAL JUDGMENT [PER T.V. NALAWADE J] :-

Rule. Rule made returnable forthwith. By consent heard both the sides for final disposal.

2. The petition is filed for giving direction to the District Superintendent of Police- Respondent No.2 to make inquiry into the allegations made by the petitioner in the representation dated

07.12.2017 and take further action if substance is found in those allegations.

2. The submissions made and record show that the incident of decoity took place on 24.07.2017 and in respect of that incident one Ingle gave report to Pathardi Police Station, District Ahmednagar. He had made allegations that he was robbed of his cash amount of Rupees 12,00,000/- (Twelve Lakhs) and also other articles like four mobile hand sets and two wrist watches. One person was in his company at the relevant time. Crime was registered on the same day and on 25.07.2017 police arrested three persons and news item appeared in the newspaper that police had recovered cash amount of Rupees Four Lakh from two accused persons. Though this news item was there, on 25.07.2017, the Police created first document and record like remand report dated 01.08.2017 that they had recovered cash amount of Rs. 53,000/-. Then, there were allegations made which were published in November 2017 that when the amount of at least of Rs. Three Lakhs was seized, recovery of only Rs. One Lakh was shown by the Police. The other record of dated 07.08.2017, shows that cash amount of Rs. 56,000/- was shown to be recovered. It appears that some persons like applicant insisted that more cash amount was recovered and then on 01.12.2017 in the remand report it was shown that total cash amount of Rs. 1,09,000/- was recovered. As a person who had made allegations

against the police insisted that more cash amount was recovered, in the remand report dated 05.12.2017, it was informed that total amount of Rs. 3,00,000/- was recovered and remaining amount of Rs. 1,91,000/- lakhs was shown to be recovered. At present there is no record to show as to when this amount was recovered by the Police. As per record accused No.1 was arrested on 25.07.2017, and the amount of Rs. 1,91,000/- Lakh was shown to be recovered subsequently.

3. The aforesaid record and circumstances apparently show that there is something fishy. The incidents of showing less recovery than the actual recovery are increasing. When cash amount of Rs. 12,00,000/- was lost, at present the recovery of Rs. 3,00,000/- is shown and that is also in aforesaid manner when there was news published on 25.07.2017 itself that the cash of Rupees 4,00,000/- (Four Lakh) was recovered. The learned A.P.P submitted that the Police had not given the press note in respect of news item dated 25.07.2017 and probably present petitioner had spread that rumor. In view of aforesaid circumstances, this submission cannot be accepted. This Court has formed opinion that there is certainly something fishy. Present District Superintendent of Police needs to make proper inquiry into the matters by making inquiry with all the concerned including the newspaper Reporter, Editor etc. and also with the accused persons to find out the truth and it is expected to take further action if the substance is found in those allegations. This

Court holds that direction needs to be given to the District Superintendent of Police to act on the representation made by the petitioner. In aforesaid terms petition is allowed and disposed of. The decision is to be taken within three months from today. The amount deposited by the petitioner in Court be returned to him.

[MANGESH S. PATIL]
JUDGE

[T.V. NALAWADE]
JUDGE

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