

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL WRIT PETITION NO. 20 OF 2019

(Anil s/o. Waktuji Thaware..vs.. State, thr Principal Secretary, Dept. of Home and Ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.P. Kariya, counsel for petitioner.

Mr.C.A. Lokhande,. Public Prosecutor for respondents.

**CORAM : P.N. DESHMUKH AND
ROHIT B. DEO, J.**

DATED : 23-01-2019

Learned counsel for the petitioner seeks leave to delete part of prayer clause (i) where it is prayed that direction be issued to register offence under the Atrocity Act.

2 Leave as prayed is allowed. Amendment / deletion be carried out forthwith.

3 The rest of the prayers in the petition are for issue of direction to respondent 2 to take action against respondent nos. 3, 4 and 5 alleging that petitioner was wrongfully detained for one day in the Police Station since the night of 24.1.2018 at 8.00 p.m. and on that count has thus, sought compensation to the extent of Rs. 5 lac.

4 After hearing learned counsel for the petitioner and on going through case record, we find that after petitioner was apprehended, he was issued with the

notice under section 151 of the Code of Criminal Procedure, copy of which is placed on record and Chapter Proceedings were instituted against him on issuing notice under section 111 of Criminal Procedure Code. Admittedly, no challenge is raised to either of these notices by the petitioner before the competent authority.

5 It is the case of petitioner that despite of his serving in a Government Department under respondent no. 5 since 13 years, his salary is not paid to him and for that reason he had made a representation to Collector, Amravati on 15.1.2018 alleging that his salary was with held as respondent no. 5 has mislead the administration. Though, no other facts are found to be pleaded in the petition, representation made to Collector dated 15.1.2018 would reveal that by making such petition informed that if no action is taken on his representation by 26.1.2018, he would commit suicide and in the background of above facts, respondents took preventive action as aforesaid.

6 In the background of above facts and even otherwise, after going through the documents, it reveals and is also its case as mentioned in paragraph 6 of the petition that after initiating proceedings under section 151 of the Code in the midnight of 24.1.2018 copy of which is placed at Annexure B, petitioner is released. In that view of the matter, no case is made out by the

petitioner establishing illegal detention.

7 Petition is therefore, devoid of merits, hence
rejected at the stage of admission.

JUDGE

JUDGE

Belkhede