

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

Criminal Application [APPW] No.6 of 2019
in
Criminal Writ Petition No.1150 of 2018

Ganesh s/o Ramchandra Chakkarwar
vs.

State of Maharashtra, through Commissioner of Police, Nagpur & another

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*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

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Court's or Judge's Orders

*Shri Shyam Dewani, Advocate for the Applicant/Petitioner.
Shri M.J. Khan, A.P.P. for the Respondents.
Shri J.T. Gilda, Advocate for the Intervenors.*

CORAM : S.B. SHUKRE & S.M. MODAK, JJ.

DATE : 10th JANUARY, 2019.

Heard.

For the reasons stated in the application, the
application is allowed in terms of it's prayer clause.

Necessary amendments to the cause title
and the petition be made forthwith.

The learned A.P.P. waives service of notice
for the newly added respondent No.3 - Deputy
Commissioner of Police.

The application is disposed of accordingly.

Criminal Writ Petition No.1150/2018 :

We have heard this matter for quite some
time. There is also an application recently filed by the
proposed accused persons making the request for
impleading them as additional respondents. At this

stage, we do not propose to deal with this application and what we feel important is the present opinion of the investigating team, presently headed by the Deputy Commissioner of Police - respondent No.3, which is not there on record.

The reply of the prosecution discloses that the investigating team is desirous of having some more time in the matter, as on the basis of what has been gathered so far, has not been sufficient for the investigating team to arrive at the conclusion that any cognizable offence has been made out in this case. At the same time, the reply also discloses that there has been non-cooperation on the part of the accountant of the proposed accused persons, because of which, the progress of the investigation has been stalled. If there has been non-cooperation on the part of the proposed accused persons, we do not think that it would by itself create any obstacle for making any further investigation as there are ample means and powers available to the Investigating Officer for eliciting cooperation in the investigation of something which apparently is replete with serious allegations. Now that, respondent No.3 has been made the head of the investigating team, we are of the view that the things

could be sorted out by him and the inquiry into the matter could be taken to such a stage from where some conclusion either regarding commission or non-commission of cognizable offence can be made.

With this view of the case, at this stage, we would like to give further time of two weeks to the respondents for concluding the inquiry and arriving at a proper conclusion in the matter, so that this case can be properly dealt with. We accordingly give further two weeks' time to the respondents. We also direct the respondent No.3 to pay his personal attention to the whole inquiry and also provide guidance to all the members of the team from time to time and take such measures, as deemed appropriate in law, to complete the inquiry within the time of two weeks.

Leave is granted to the proposed accused persons to file their written submissions in the matter in order to appropriately decide the application filed by them seeking their impleadment in this case.

Authenticated copy of this order be furnished to the learned A.P.P.

JUDGE

JUDGE