

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

CRIMINAL APPLICATION [APL] NO.637 OF 2015

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.638 OF 2015

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.650 OF 2015

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.651 OF 2015

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.652 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.653 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.654 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.655 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.656 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.750 OF 2015

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.751 OF 2015

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.347 OF 2016

[Manojkumar s/o Kanhobaji Moon .vs. State of Maharashtra and one]
 WITH

CRIMINAL APPLICATION [APL] NO.348 OF 2016

[Pritisingh Gaurishankarsingh Baghele .vs. State of Maharashtra and one]

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

Court's or Judge's orders

 Shri A.V.Band, Advocate for Applicant.
 Shri N.B.Jawade, A.P.P. for Non-applicant No.1/State.

CORAM : Z.A.HAQ AND
PUSHPA V. GANEDIWALA, JJ.
DATED : OCTOBER 09, 2019.

Shri N.B.Jawade, learned A.P.P. has pointed out that in further investigation, material is collected by the Investigating Agency and additional charge-sheet is ready, however, it could not be filed because of the order passed by this Court directing that charge-sheet shall not be filed until further orders.

The learned Advocate for the applicants, on instructions, seeks permission to withdraw these applications, they are **disposed** accordingly.

During the course of hearing, a communication issued by the Desk Officer, Government of Maharashtra, Social Justice and Special Assistance Department on 3rd April 2018 was pointed out. By this communication, instructions are given to the Additional Chief Secretary, Home Department, Government of Maharashtra, the Commissioner, Social Welfare, Maharashtra State, Pune and Regional Deputy Commissioner, Social Welfare, Nagpur and the Assistant Commissioner, Social Welfare, Nagpur. Along with the communication, Minutes of Meeting of the Hon'ble Minister, Social Justice and Special Assistance Department, with the annexures, is also annexed. Paragraph No.(4) of the Minutes of Meeting dated 13th March 2018 is to the effect that in criminal cases concerning the matters of scholarships, the Assistant Commissioner, Social Welfare should not be shown as accused, as the responsibility of sanctioning scholarship is totally on the Principal of the Institution.

We find that such directions are totally illegal and unsustainable in law. There cannot be blanket directions by the State Government that crime/ offence should not be

registered against the officers. It is the duty of the Investigating Agency to show all the concerned as accused if during investigation material is collected by it showing involvement of that particular person/ officer in commission of any crime/ offence. Hence, it is declared that paragraph No.(4) of the Minutes of Meeting dated 13th March 2018, referred above, will not come in the way of the Investigating Agency in taking action against the concerned officer(s), as per law.

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