

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

CRIMINAL WRIT PETITION NO. 1387 OF 2017

Yogesh s/o Shantilal Patil .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr C.R. Thorat, Advocate for petitioner
Mr S.J. Salgare, A.P.P. for respondents no.1 to 5

**CORAM : T.V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3rd November 2020

PER COURT :

1. In the present proceeding, relief is claimed for taking action against the Police officials in respect of so-called custodial torture against the petitioner for which he was allegedly subjected on 4.8.2017.

2. This Court has carefully gone through the papers produced. The papers include remand report submitted to Judicial Magistrate, First Class. The order shows that enquiry was made by the Judicial Magistrate, First Class and after that the Judicial Magistrate First Class found no substance in the allegations of torture made and he rejected the grievance of the present petitioner. After that, proper recourse could have been had if there was grievance in respect of the order passed by the Judicial Magistrate First Class. This was not done and present proceeding is filed. In present proceeding, direction is claimed against the superior Police officials to make enquiry into the allegations of torture. When the Court, Judicial Magistrate, First Class has rejected that case, this Court in no case will direct the Police officials to make investigation into the allegations.

3. In view of these circumstances, this Court had made it clear on 21.10.2020 that learned Counsel for the petitioner to make out some case. He was absent.

4. Today, Mr Thorat submitted that his client wants to engage other Counsel. Matter was filed in the year 2017 and this Court has no hesitation to hold that this is nothing but to play tactics.

5. In view of aforesaid circumstances, nothing can be done in the present proceeding. So, the present Criminal Writ Petition is dismissed on merits.

(SHRIKANT D. KULKARNI, J.)

(T.V. NALAWADE, J.)

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