

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

CRIMINAL APPLICATION (ABA) NO.199 OF 2020

(Manoj Kushal Nagapure Vs. The State of Maharashtra thr. PSO PS Chimur, Dist.
Chandrapur)

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

Court's or Judge's orders.

Shri S.V. Sirpurkar, Advocate for Applicant.
Shri P.S. Tembhare, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.

DATE: 18th SEPTEMBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is apprehending arrest in Crime 28/2020 registered at Police Station Chimur, District Chandrapur for offences punishable under sections 353, 186, 189, 504 and 506 of the Indian Penal Code.

4] The complainant/informant is Mr. Vaibhav Karlekar, who was working as Talathi at Khadsangi. The prosecution story is that the complainant came across one Tractor loaded with sand, at 10:40 a.m. on 21.01.2020. The complainant made inquiries with the driver of the Tractor as regards the permit/pass which the driver failed to

produce. The complainant took the key of the Tractor and informed the Sub-Divisional Officer, Chimur. The driver disclosed the name of the applicant as the owner. The Tractor was not displaying any registration number. The further version of the prosecution is that the applicant came to the spot, snatched the key of the Tractor from the complainant and abused and assaulted the complainant. The applicant threatened the complainant and took away the Tractor. The applicant unloaded the sand and then left with the Tractor.

5] Shri Sirpurkar, the learned counsel would submit that the report is delayed. While the alleged incident occurred at 10: 40 a.m. the report is lodged only in the evening at 07:45. The further submission is that no sand is seized and in any event the custodial interrogation is not necessary.

6] In rebuttal, the learned APP Shri Tembhare would submit that the illegal mining and its transportation is a serious crime. It would be necessary to custodial interrogate the applicant to unravel the various aspects of the crime particularly, to ascertain the involvement, if any, of others. It is further pointed out that the applicant has criminal antecedents and is facing trial for offence punishable under section 307 of the Indian Penal Code for assaulting the public servant.

7] Considering that illegal excavation of sand is increasing exponentially and is a serious threat to a natural resources in which all the citizens have a stake, and considering that the criminal antecedents of the applicant, I am not inclined to exercise discretion in favour of the applicant.

8] The application is dismissed.

JUDGE