

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

Writ Petition No. 367/2020

Sameet S/o Rakesh Thakkar

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri Renu R.Singh, Advocate for the petitioner
Ms. Ketki Joshi, AGP for the State

CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.

DATED : 20/10/2020

Heard Shri Renu Singh, learned Counsel for the petitioner and Smt. Ketaki Joshi, learned APP for the State.

2. On 28.08.2020, we granted interim relief to the petitioner to the effect that no coercive steps shall be taken against him, though investigation may proceed. There was one more direction to the effect that charge-sheet be not filed, if investigation was to be completed during pendency of this petition.

3. On the next date, which was of 12.10.2020, Shri Renu Singh, learned Counsel for the petitioner being unwell, was not present, and his junior Advocate Shri J.S. Chilotra was present. He sought adjournment on that day. The adjournment indeed was granted, but it was made conditional on the ground that some grievance was raised by the investigating Officer regarding conduct of the

petitioner that he was not co-operating with the Investigating Officer. Considering that grievance, this Court, directed the petitioner to Report to Sitabuldi Police Station, Nagpur in Crime No. 345/2020, every day between 06.00 p.m. and 08.00 p.m., from 13.10.2020 and onwards.

4. Shri Renu Singh, learned Counsel for the petitioner submits that the petitioner has filed an affidavit explaining his conduct in the present mater. The said affidavit, however, is not placed on record. The copy of the affidavit has been made available to the learned APP. On its perusal, learned APP submits that although the document is titled as an affidavit, it is not sworn in by the petitioner and, therefore, it does not qualify itself to be called an affidavit. Any way, that affidavit is not before us, and, therefore, it would not be possible for us to make any comment in that regard. However, there is one pursis dated 20.10.2020 filed on record by learned Counsel for the petitioner. It has been stated on behalf of the petitioner that there has been two more criminal writ petitions before other two Benches of this Court and even in those petitions similar directions as were issued by this Court, were there, and, therefore, it was very difficult for the petitioner to come to Nagpur for marking his presence at Sitabuldi Police Station, Nagpur.

5. We can very well understand the difficulties of the petitioner in running from one station to another station and attend the Police Stations. But, we cannot

understand as to why the petitioner did not intimate the Investigating Officer anything about his inability to come to Nagpur and report to him at Sitabuldi Police Station, Nagpur. We also fail to understand as to why the petitioner has not sought till date any modification of the order dated 12.10.2020 passed by this Court which directed him to report to Sitabuldi Police Station, Nagpur.

6. It appears to us that on the one hand, the petitioner seeks interim relief from this Court and on the other hand, the petitioner thinks that he need not follow the conditions imposed by this Court under the impression that he can help himself without anybody's assistance, including the assistance of the Court. If, this is the conduct of the petitioner, we do not think that it would be appropriate for us to entertain this petition any further. Even otherwise, the petitioner, as per statement made on his behalf by his learned Counsel, is now before the Hon'ble Apex Court. In these circumstances, the petition stands **dismissed**.

7. This order be uploaded on the official website and also be communicated to the learned counsel appearing for the parties, either on the email address or on WhatsApp or by such other mode, as is permissible in law.

JUDGE

JUDGE