

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

17 CRIMINAL WRIT PETITION NO. 479 OF 2018

ASHOK S/O. SARJERAO CHAVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Deshmukh h/f
Mr. Chandrakant V. Thombre (Absent)
APP for Respondents : Mr. B.V. Virdhe

...

CORAM : T. V. NALAWADE AND
M. G. SEWLIKAR, JJ.

DATE : 1st FEBRUARY, 2021

PER COURT :-

1. In the first session this matter was kept back as one counsel requested to keep the matter back by submitting that Mr. Thombre, learned counsel for the petitioner on record is busy in other Court. The matter was kept in second session.

2. In second session, when this matter was called out, Mr. Thombre, learned counsel for petitioner did not turn up to prosecute the matter. The matter was filed in the year 2018, even circulation was not obtained for more than two years for prosecuting the matter. The matter came before this Court only due to direction given by this Court.

2. This Court has carefully gone through the contentions made in the petition and allegations made in the complaint given to the Police dated 08-02-2018 in respect of one incident dated 07-02-2018. In the complaint, the allegations are made that some substance of chemical was thrown on his back and neck. Due to that he had feeling of etching. He is witness in one case, in which two persons shown as accused in

complaint dated 08-02-2018 are chargesheeted. It is the contention that only to create fear in his mind such act was done by these persons. Police treated these allegations are non-cognizable and accordingly communication was made to the present petitioner. The petitioner wants registration of crime out of that incident. Even if, the allegations are accepted as they are, it cannot be said a cognizable offence is made out. He could have file private complaint if he wants to prosecute the matter but he did not file it and he wants direction from this Court for registration of crime. This Court holds that due to aforesaid circumstances, no such direction can be given. The Criminal Writ Petition stands dismissed.

[M. G. SEWLIKAR]
JUDGE

[T. V. NALAWADE]
JUDGE

MTK