

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

22 CRIMINAL WRIT PETITION NO.706 OF 2019

PRAKASH S/O. RAMRAO BODKHE
VERSUS
THE STATE OF MAHARASHTRA AND ANR

...

Advocate for Petitioner : Mr. M.S. Karad h/f. Thombre S.S.
APP for Respondents/State : Mr. G.O. Wattamwar

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**CORAM : T.V. NALAWADE &
M.G. SEWLIKAR, JJ.**
DATE : 02.02.2021

PC. :-

This matter was called out in the first session. When advocate Shri Karad h/f. Shri Thombre requested to keep the matter in second session, the matter was kept in second session. Shri Thombre has not turned up in the second session also.

2. This Court has carefully gone through the contentions made in the petition and also the relief claimed. Following two reliefs are claimed in the present matter:

“B) By issuing appropriate writ or order or directions in the like nature, the impugned order dated 12.02.2019 passed by the State Police Complaints Authority, Maharashtra State, Mumbai in SPCA / Complaint Case No.76/2018 may kindly be quashed and set aside

thereby directing the State Police Complaints Authority, Maharashtra State, Mumbai to consider the complaint of the petitioner on its own merits and decide the same accordingly;

C) Pending hearing and final disposal of this criminal writ petition, this Hon'ble Court may be pleased to direct the State Police Complaints Authority, Maharashtra State, Mumbai to consider the complaint of the petitioner on its own merits and decide the same accordingly;"

3. This Court had opportunity to go through the State Police Complaints Authority (Administration and Procedure) Regulations, 2017.

4. The provisions of the said regulation show that the authority created is only advisory authority and the State is not bound to accept the advise and act upon the advise. Thus, when the State refuses to accept the advise, the opinion of the authority loses the weight which ordinarily can be given to the opinion of such authority. Further in the present matter the authority has expressed that the matter was not filed in time and it was open to the present petitioner to avail appropriate remedy as provided in law. Unfortunately, the relief of aforesaid nature is claimed in the present matter. This way the petitioner will again go before the authority and in view of the aforesaid position of law the exercise will be meaningless. It is always

advisable for such petitioner to take proper legal steps, if the petitioner really wants to take such steps. With these observations, the writ petition is disposed of as dismissed.

[M.G. SEWLIKAR, J.]

[T.V. NALAWADE, J.]