

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.3585 OF 2019**

Pradip Tukaram Bhalekar & Ors. .... Petitioners  
versus  
State of Maharashtra & Ors. .... Respondents  
.....

- Mr.Akshay Deshmukh, Advocate for Petitioners.
- Ms.S. D. Shinde, APP for State/Respondent.

**CORAM : NITIN JAMDAR &  
SARANG V. KOTWAL, J.**

**DATE : 24 NOVEMBER 2021**

**P.C. :**

. The Petitioner has sought directions to the Respondents to take action in respect of C.R.No.69 of 2018 and take direct action against the Police Officers.

2. The police officers against whom the action has to be taken, have not even been joined as a party Respondent. The learned counsel for the Petitioner states that subsequent to the filing of the Petition, on 27 June 2019 the Petitioner has been acquitted by an order dated 22 January 2021 in respect of C.R. No.69 of 2018 and therefore the order of acquittal will also substantiate the case of the

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Petitioner that the Petitioner was selectively harassed at the hands of the police officers.

3. We have perused the order of acquittal, which is now placed on record. While summarizing the ground of acquittal, the learned Judicial Magistrate has noted the inconsistent evidence of the informant, non-examination of independent witnesses and delay in lodging of the report. As far as the inconsistent evidence of the informant is concerned, the police authorities cannot be blamed as the prosecution was not lodged at the instance of the police, but at the hands of informant. The delay in lodging of the report is also attributable to the informant.

4. The direction to take action against the police officers cannot be issued lightly and without specific pleadings, as it has serious repercussion on the service career of the officers. Furthermore they are not joined as a party respondent.

5. We find that no case is made out by the Petitioner. The Writ Petition is accordingly rejected.

(SARANG V. KOTWAL, J.)

(NITIN JAMDAR, J.)