

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

CRIMINAL APPLICATION (ABA) NO.9 OF 2021

(Satish Namdevrao Kadu Vs. State of Maharashtra thr. PSO PS Ghatanji, Tq. Ghatanji,
Dist. Yavatmal)

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

Court's or Judge's orders.

Mr. Apurva De, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applicant/State.

CORAM: ROHIT B. DEO, J.

DATE: 18th JANUARY, 2021.

On the last date of hearing the case diary was not available with the learned APP Mr. Doifode nor was the Investigating Officer present.

2. The case diary was not available, nor was the Investigating Officer present even on the earlier date i.e. 14.01.2021

3. This Court passed the following order on 14.01.2021:

*This application was listed
on 13.1.2021.*

*2. The case diary was not available with
the learned APP Mr. S.S. Doifode nor was the
Investigating Officer present.*

*3. The explanation given by Mr. S.S.
Doifode was that the wireless message which
was sent to the Investigating Officer wrongly*

mentioned the dated 14.1.2021.

4. The hearing was therefore, adjourned to 14.1.2021 on which date the Investigating Officer was expected to be present alongwith the case diary.

5. Today again, neither is the case diary available nor is the Investigating Officer present.

6. Mr. S.S. Doifode, the learned APP states that the Investigating Officer did not attend the Court since he is busy in Gram Panchayat election.

7. Since the Investigating Officer does not have the time or inclination to attend the Court, it would be appropriate if the Superintendent of Police, Yavatmal is personally present.

8. The Superintendent of Police, Yavatmal shall be personally present on 18.1.2021.

9. Mr. S.S. Doifode, the learned APP is requested to inform this order to the Superintendent of Police, Yavatmal, today.

10. Steno copy granted.

4. Mr. Doifode has invited my attention to the communication dated 17.01.2021 received from Dr. Dilip Patil Bhujbal, Superintendent of Police, Yavatmal expressing inability to attend the proceedings since the counting of votes of the Gram Panchayat election is scheduled on 18.01.2021 and the declaration of result is on 21.01.2021. The communication expresses willingness to remain present personally after 21.01.2021.

5. The explanation of the Superintendent of Police, Yavatmal for the inability to attend the proceedings, is reasonable and is accepted.

6. Adverting to the merits of the application, the applicant Satish Kadu is apprehending arrest in Crime 478/2018 registered with the Police Station Ghatanji, District Yavatmal for offence punishable under section 420 read with section 34 of the Indian Penal Code.

7. The allegation is that the nephew of the complainant was duped of Rs.5,50,000/- with the promise to secure government employment. While the allegation is serious in the sense that appointment order purportedly issued is allegedly forged, except the statement of the co-accused, there is no material in the charge-sheet to identify the applicant as one of the persons present who participated in the farcical interview.

8. The investigation is complete. Charge-sheet is filed. The main accused, i.e. the person who received the payment, is released on regular bail.

9. In this view of the matter, the interim protection granted vide order dated 08.01.2021 is made absolute.

JUDGE