

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

CRIMINAL WRIT PETITION NO.149/2021

Uttamchand S/o Mohan Khandekar and another
..Vs..
State of Maharashtra and others

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

Court's or Judge's Order

Ms Nidhi Dayani, Advocate h/f Shri S.P. Bhandarkar, Advocate for the
petitioners.
Shri A.S. Fulzele, Additional Public Prosecutor for respondent Nos.1 to 3.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.
DATED :- 1.3.2021.

We have heard learned counsel for the petitioners and also learned Additional Public Prosecutor. Although learned counsel for the petitioners states that the offences shown at serial Nos.1, 2, 3, 6 and 10 are those in which the petitioners have been acquitted, we find that the offence at serial No.1 was compounded by the petitioners with complainant which means that there was an admission of guilt on the part of the petitioners, as due to their mutual settlement offence was compounded with the complainant. Then, learned counsel for the petitioners has no idea as to whether or not state has filed any appeal against the judgments and orders of acquittal specially in the offences shown at serial Nos.2 and 3 of the impugned order. All these facts

show that this is not a case of violation of fundamental rights coupled with manifest arbitrariness while passing the impugned order against the petitioners. In these circumstances, the petitioners should have availed alternate remedy as provided under Section 60 of the Maharashtra Police Act. We relegate this matter to the Appellate Authority under Section 60 of the Maharashtra Police Act, if any appeal is filed within two weeks from the date of the order, and if it is so filed, we direct the Appellate Authority to decide the appeal on its own merits within four weeks from the date of the filing of appeal, without being influenced in any manner by this order. The petition stands dismissed.

JUDGE

JUDGE