

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

Criminal Application (APPLN) No. 49 of 2020

(Lokesh S/o Maroathrao Rehpade ..vs.. Chand S/o Dattuji Dolare and anr.)

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

Court's or Judge's orders

Mr. S. K. Bhandarkar, Advocate for the applicant
Mr. S. S. Doifode, APP for non-applicant 2

CORAM : ROHIT B. DEO, J.

DATED : 10-03-2021

Heard.

2. This application is preferred under Section 439(2) of the Code of Criminal Procedure, 1973 (Code) seeking cancellation of pre-arrest protection which the learned Additional Sessions Judge, Chandrapur extended in favour of non-applicant 1 in connection with apprehended arrest in Crime 370/2019 vide order dated 24-1-2020.

3. The order of the learned Additional Sessions Judge is well reasoned and the exercise of discretion is neither arbitrary nor whimsical. The applicant lodged report on 13-12-2019 against the non-applicant 1, who is a friend of the applicant, alleging that his employee told

him on 7-12-2019 that on 1-12-2019 at 8.00 a.m., non-applicant 1 accompanied by one Rohan Bhongade came with a truck and carried away iron material worth Rs. 13,88,000/-. The alleged incident occurred on 1-12-2019 at the water-plant of the applicant. In response to the Court query, the learned counsel for the applicant fairly states that plant is hardly 15 Kms from the residence of the applicant. Nonetheless, the employee/watchman of the applicant took seven days to inform the applicant and the applicant lodged the report six days after receiving the information.

4. The learned Additional Sessions Judge has granted pre-arrest protection noting the unnatural delay in lodging the report. I have no reason to take a different view.

5. In any event there is no propriety in revoking the pre-arrest protection granted more than one year ago.

6. The application is dismissed.

7. Learned counsel for the applicant Mr. S. K. Bhandarkar undertakes to deposit costs during the course of the day.

JUDGE

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