

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

CRIMINAL WRIT PETITION NO.826/2021

Tarun Chaturbhai Parmar Vs. The Commissioner of Police, Nagpur and Ors.

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

Court's or Judge's orders

Shri S. M. Uke, Advocate for Petitioner.
Shri T.A. Mirza, A.P.P. for Respondents/State.

CORAM : M. S. SONAK AND
PUSHPA V. GANEDIWALA, JJ.

DATE : 29/11/2021.

1. Heard Mr. S. M. Uke, learned Counsel for the petitioner and Mr. T. A. Mirza, learned Additional Public Prosecutor for the State.

2. The challenge in this petition is to the notice/letter No.2771/2021 dated 16.11.2021 requiring the petitioner to attend the Police Station and give information regarding whereabouts of his client (name is withheld). At least, *prima facie*, we find that such a letter/notice could not have been issued to an Advocate requiring him or her to divulge any information about his or her client. Therefore, we adjourned this matter to enable Mr. T. A. Mirza, learned Additional Public Prosecutor to obtain instructions.

3. The respondent No.2 i.e. Assistant Commissioner of Police has now filed response before us offering the same explanation. Again, at least, *prima facie*, we do not find such explanation to be acceptable. But, the Assistant Commissioner

of Police in paragraph No.5 of his response has stated that the impugned letter/notice dated 16.11.2021 is neither an order nor a notice issued to the Advocate but, the same is a request letter to help the police. The response states that if the petitioner is not interested in helping the Investigating Officer, then the petitioner is entitled to ignore the letter dated 16.11.2021.

4. In such matters, there is no question of Advocates being required to help the Investigating Agencies one way or the other, particularly when the Advocates are discharging their professional duties to their clients. However, now that it is clarified by the Assistant Commissioner of Police that the impugned letter/notice dated 16.11.2021 was only a request and there is no question of any adverse consequences, even if, the petitioner ignores the same. We do not propose to take this matter any further.

5. By accepting the aforesaid clarification, we dispose of this petition. There shall be no order for costs.

6. Pending application(s), if any, stand(s) disposed of.

PUSHPA V. GANEDIWALA, J.

M. S. SONAK, J.