

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

CRIMINAL WRIT PETITION NO. 882 OF 2018

(Devendra S/o Murari Pise & Anr. Vs. The State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Mr. Firdos Mirza and Mr. Pritesh Atkar, Advocates for
the petitioners.

Mr. S.S. Doifode, A.P.P. for the respondents/ State.

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CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
OCTOBER 28, 2021.

Heard Mr. Mirza, learned counsel for the
petitioners and Mr. Doifode, learned A.P.P. for the
respondents/ State.

2] The challenge in this petition is to the
communications dated 06/06/2018 and 29/11/2019
issued by the relevant authorities of the Anti
Corruption Bureau, Gadchiroli.

3] Though, several challenges were initially
raised, Mr. Mirza, learned counsel for the petitioners
fairly accepted that such challenges may not today
survive on account of the decision of the Division
Bench of this Court in the case of **Charansingh S/o**
Babulalji Thakur Vs. State of Maharashtra and others
(Criminal Writ Petition No. 226/2020 decided on
25/11/2020) and the subsequent decision of the

Hon'ble Supreme Court reported in **2021 AIR (SC) 1620** upholding the decision of the Division Bench. Mr. Mirza, however, submitted that the statements made or the information supplied by the petitioners, in pursuance of the impugned communications are likely to be treated as confessional statements, which according to him, will not be permissible. He therefore submitted that this position ought to be clarified by this Court.

4] Mr. Doifode, learned A.P.P. submitted that the apprehension expressed by Mr. Mirza is quite unfounded and misplaced. He submitted that Mr. Mirza has not shown any provision of law or for that matter the manual for the petitioners having any reasonable basis to entertain such an apprehension.

5] According to us, the challenge in this petition is bound to fail having regard to the decision of the Division Bench of this Court in the case of **Charansingh Thakur** (*supra*) and the decision of the Hon'ble Supreme Court upholding the same. Besides, we also feel that the apprehension expressed by Mr. Mirza about the statements, if any, of the petitioners might be treated as confessional statements, as quite misplaced. In any case, we refer to the observations to be found in paragraph 13 of the decision of the Hon'ble Supreme Court in the case of **Charansingh** (*supra*) wherein, the Hon'ble Supreme Court has

itself clarified that the statement of the appellant therein on the points mentioned in the impugned notice would be only to satisfy whether a cognizable offence is disclosed or not and so as to enable the appellant to clarify the allegations made against him with respect to accumulation of assets disproportionate to his known sources of income and the same shall not be treated as a confession statement.

6] For the aforesaid reasons, we dismiss this petition with the aforesaid clarifications/ observations. There shall be no order for costs.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)

Sumit