

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

CRIMINAL WRIT PETITION NO.1034 OF 2018

(Dilip s/o. Prabhakar Pathak and another .vs. The Union of India, Ministry of
Railway, through its Secretary, New Delhi and another)

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

Court's or Judge's orders

Mr.Pradeep Marpakwar, Advocate for the petitioner.
Mr.A.S.Fulzele, Additional Public Prosecutor for
respondent no.2.

**CORAM : SUNIL B. SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 9.2.2021.

1. Heard Mr.Pradeep Marpakwar, learned Counsel for the petitioners and Mr.A.S.Fulzele, learned Additional Public Prosecutor for respondent no.2/Government Railway Police, Police Station, Kota (Rajasthan).

2. Mr.Rameshchandra, Police Inspector, G.R.P. Police Station, Kota is personally present along with the case diary.

3. Perused the case diary placed before us by the Investigating Officer through learned Additional Police Prosecutor.

4. On going through the case diary, we are satisfied that investigation has been diligently made by the G.R.P., Police Station, Kota. It is

seen therefrom that Police Station, Kota has put in reasonable efforts to trace out the accused and also stolen articles; but, in vain. It is further seen that ultimately final report was submitted before the concerned Court, which appears to have directed the matter to be placed before Rashtriya Lok Adalat.

5. The matter was heard on 9.3.2019 by the Rashtriya Lok Adalat presided over by Mr.Narendra Meda as Chairman and Mr.Saurabh Suman as Member. The final report considered by Rashtriya Lok Adalat was directed to be filed by specific order passed on 9.3.2019, a copy of which is annexed to the case papers. This order discloses that notice was served upon the complainant by sending an SMS on his mobile no.9561002793 and that the Court Constable Mr.Hardin, G.R.P., Police Station, Kota had also contacted personally the complainant on the said number and informed him of his being summoned before the Rashtriya Lok Adalat on 9.3.2019. However, the Lok Adalat has further noted, the complainant did not think it fit to appear before it. Ultimately, as seen from this order, the Lok Adalat considered the matter on the basis of the material placed before it and directed that the final report be filed. It also directed that the investigation, however, be continued and efforts be made for tracing out the stolen articles and

also accused persons and if any success was notched, it be reported to the concerned Court and the articles/accused be produced before the concerned Court.

6. There is thus no reason for us to express any doubt about the sincere investigation carried out by G.R.P., Police Station, Kota. Ultimately, this has also been accepted as a fact by the Rashtriya Lok Adalat, Kota. In the circumstances, we find that the purpose of this petition has been served and nothing survives in this petition. Hence, the petition is disposed of accordingly as regards prayer clause (i) in the petition. As regards prayer clause (ii) therein, liberty is granted to the petitioners to avail of such remedy as may be available in law, if they are desirous to do so.

Case papers are returned.

JUDGE

JUDGE

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Suraj
Jaiswal

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by Suraj Jaiswal
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2021.02.09
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