

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

940 CRIMINAL APPLICATION NO. 2228 OF 2021

WITH

CRIMINAL APPLICATION NO. 2534 OF 2022
IN CRIMINAL APPLICATION NO. 2228 OF 2021

VISHAL S/O BALASAHEB SAVAI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicant : Mr. Narendra D. Sonavane

APP for Respondent-State : Mr. S. D. Ghayal

.....

**CORAM : MANGESH S. PATIL AND
ABHAY S. WAGHWASE, JJ.**

DATED : 12 OCTOBER 2022

PER COURT :-

1. After hearing the arguments, when this Court expressed its disinclination to grant any relief on merits, the learned Advocate for the applicant, on instructions, seeks leave to withdraw both the applications.

2. Leave granted. Both the applications are dismissed as withdrawn.

3. The FIR has been lodged by a public officer holding the rank of Circle Officer. He alleges that he alongwith his superiors and

colleagues intercepted a tractor illegally carrying sand. The driver told his name as Yogesh. Soon two persons arrived at the scene to rescue him and abused and threatened them and took away the tractor. The bystanders told the names of the three persons as Yogesh, Anil and the applicant herein.

4. Though the applicant is seeking quashment of a crime registered against him and his brothers, it appears that in spite of having been specifically named in the FIR, he has been able to take a public office and the investigating machinery for a ride. As can be seen from the communication dated 19.11.2021 addressed by the informant to the Investigating Officer, the informant, who himself is a public servant, is bold enough to inform the Investigating Officer that though the offence was registered at his instance, as per the oral instructions of the Tahsildar and taking note of the fact that the applicant was to appear for MPSC/UPSC examination and because of the error of relying upon the statements of the strangers, his name was erroneously mentioned in the FIR and requesting to delete his name from the array of the accused.

5. It appears that the matter did not end here. Even the Talathi Mr. Sunil Rangnath Sargar, who was also one of the members of the

party which had intercepted the tractor allegedly carrying mines and minerals illegally for which the offence was registered, has also taken a somersault and has now in his statement recorded under Section 161 of Cr.P.C. stated that he was knowing both the strangers who had tried to rescue the main accused who was driving the tractor and even has stated their names as Yogesh and Anil who are the other two accused and brothers of the present applicant. One cannot comprehend as to how, if this person was knowing names of both these persons, he could not have told then and there their names to the informant who was his colleague and had lodged the FIR by naming the present applicant.

6. Be that as it may, the aforementioned circumstances are clearly indicative of the fact that the public officer and may be even the Investigating Officer, are overlooking all such interference in the investigation and have been acting in tandem and hand in gloves. We expect the concerned Superintendent of Police to look into all the aforementioned aspects and take some decision in public interest as early as possible.

[ABHAY S. WAGHWASE, J.]

[MANGESH S. PATIL, J.]