

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

944 CRIMINAL WRIT PETITION NO.1185 OF 2021

ABHAY SHRIPATI NALEGAONKAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA

.....
Advocate for Petitioners : Mr. P.P. More
APP for Respondent-State: Mr. S.D. Ghayal
.....

**CORAM : SARANG V. KOTWAL AND
BHARAT P. DESHPANDE, JJ.
DATED : 22nd JUNE 2022**

PER COURT:-

1. Issue notice returnable forthwith. Learned A.P.P. waives service of notice for respondent No.1.

2. This petition is filed mainly with prayer clause "C", which reads as under:-

"C) By issuing writ of mandamus or any other appropriate order or direction in the nature of writ kindly direct the respondent to investigate the matter in free and fair thereby collecting the evidence of tower location of the petitioners as well as CCTV footage of the day of alleged incident dated 13.8.2021."

3. The subject matter of this petition is the C.R. No. 135 of 2021 dated 15.8.2021 registered at Bembli police station, District Osmanabad. The petitioners basically want the police

to verify about their alibi. It is of course expected that the police would investigate the matter impartially, with diligence and in fair manner. This is expected from the police officers. Therefore, even any of the parties have any alibi, it needs to be investigated. We are not inclined to direct the police officers to conduct investigation in a particular manner. However, the police officers are expected to investigate fairly. Therefore, though we are not granting prayer clause "C" in the terms it is worded, we are placing our expectations in our order, as mentioned herein above.

4. With these observations, the petition is disposed of.

(BHARAT P. DESHPANDE, J.)

(SARANG V. KOTWAL, J.)

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