

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 1023 OF 2022

Dr. Saibal Kumar Hazra	...Petitioner
vs.	
The State of Maharashtra and Ors.	...Respondents

Mr. Aman Mirza and Mr. M. K. Khan i/by Maroof Ahmad - Advocate for the Petitioner.

Mr. J. P. Yagnik - APP for the Respondents

**CORAM : PRASANNA B. VARALE &
 S. M. MODAK, JJ.**

DATE : 05th APRIL, 2022

P. C. :-

. The present Petition is circulated claiming urgency on the ground that the Petitioner by way of present Petition pray for issuance of Writ Habeas Corpus and second grievance of the Petitioner is of inaction on the part of the Police Authorities.

2. The counsel for the Petitioner invited our attention to the page no. 38 to submit that the complaint was lodged to the Police authorities submitting therein that one of the Director of the Company namely, Mr. Vishal Vijay Phonkake, resident of Gholap Chawl, Pada No. 02, Lokmanya Nagar, Thane (West), Maharashtra-400 606, is abducted by hatching conspiracy by some accused persons. It is also alleged that criminal force

is utilized for abduction.

3. The perusal of the documents placed on record at page no. 38 show that complaint is addressed to the Police Station Thane, Maharashtra, Mumbai and it is submitted by the learned counsel for the Petitioner is that this complaint is forwarded by way of postal means and in support to the submission the postal stamps are placed on record.

4. It is submitted by the learned counsel for the Petitioner that similar grievance was raised to some other authorities i.e. Senior Police officials. On the specific query put to the learned counsel as to whether there is only one police station in the entire Thane town, the counsel replied in negative. It can be safely be said that there is ambiguity in reference to address. It is also not clear from either the perusal placed on record or the contents of the Petition as to whether the addressee received the postal communication, because there is no in turn stamp of receipt of the communication.

5. Be that as it may the counsel for the Petitioner at this stage prayed for withdrawal of the Petition with a liberty to submit his complaint to a specific Police Station namely, Thane City Police Station.

6. In view of the submission of the learned counsel for the Petitioner, we deem it appropriate to dispose the Petition being withdrawn with a liberty to the Petitioner to approach Thane City Police Station, Thane

within two weeks from today.

7. If the Petitioner approaches to Thane City Police Station within stipulated period of two weeks, the in-charge Police Officer/Senior In-charge attached to the Thane City Police Station to take appropriate steps as provided under the provisions of law.

8. With these directions, the Petition is disposed of.

9. The parties to act upon an authenticated copy of this order.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)