

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 1672 OF 2021**

Mr. Yohan G. Immanuel

....Petitioner

Versus

The Commissioner of Police and ors.

....Respondents

Mr. Ashok Mundargi, Senior Advocate along with Mr. Niranjan Mundargi
i/b. Mr. Dilip Shukla, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

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

DATE : 29th MARCH, 2022.

P.C. :

1. Mr. Mundargi, learned senior counsel appearing on behalf of the petitioner submitted that the petitioner has approached this court by way of present petition seeking directions to respondents to investigate the case of the petitioner and take appropriate stringent action against the offenders for commission of offences under Sections 409, 420, 468 read with Section 34, 120-B, 470, 471, 472, 477A, 477B, 504 and 506 of the Indian Penal Code 1860. Mr. Mundargi further submitted that the petitioner is occupying the position of the President of the United Church of Northern India Trust Association and the said Church holds various properties in the State of Maharashtra as well as in other States. On

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receiving knowledge that certain mischief-players have sold the property of the church and siphoned amount for their ulterior motive, the petitioner had approached the Joint Commissioner, Economic Offences Wing, Mumbai, by submitting a complaint on 18th April, 2018. A copy of the said complaint dated 18th April 2018 is placed on record at Exhibit- 'DD', page 489. Various details about property and the acts of mischief committed by the proposed offenders/accused persons are referred to in the complaint and it is not necessary for us to refer to all these details for the reasons stated below.

2. Perusal of the record further shows that the matter was listed before this Court on 25th October, 2021 and forwant of instructions, a request for adjournment was made. Accordingly, the petition was adjourned. The matter was again listed before this Court on 17th February, 2022. It was submitted before this Court that after lodging the petition in this Court in the year 2021 and after lapse of a span of more than three months, the petitioner is not aware of any progress in the matter. Accordingly, again the petition was adjourned.

3. Today learned APP made available certain record for our perusal. Perusal for record shows that statement of the petitioner was recorded on 9th May, 2018 and subsequently the petitioner was intimated by various communications to attend before the concerned police officer .

This communications are of 9th April, 2019, 12th June, 2019 and 6th August 2019. As there was no response from the petitioner, the concerned police officer was left with no choice but to close the enquiry and accordingly, vide communication dated 3rd October, 2019, the petitioner was informed about closure of the enquiry.

4. Mr. Mundargi, learned senior counsel appearing on behalf of the petitioner, on instructions, submitted before this Court that petitioner was intimated to attend before the concerned police official on certain dates but for the reasons beyond the control of the petitioner, the petitioner was unable to attend before the concerned official. Mr. Mundargi submitted that when the initial communications were forwarded to petitioners, the area of Kolhapur District and the neighboring area of the State of Karnataka wherein the petitioner resides was very badly affected by unprecedented floods and it took time of more than 2 to 3 months for the residents to recover from this natural disaster. Mr. Mundargi, then, submitted that somehow the petitioner and other residents were coping with the situation which arose from natural disaster and again with the outbreak of COVID-19 pandemic, the citizens were confined to their houses and were required to follow guidelines and SOPs issued by the State Government. Mr. Mundargi further submitted that the bona fide absence of the petitioner may not come in his way for seeking an action against mischief players and the petitioner be given one more

opportunity to raise his grievance before the competent authority. On instructions, Mr. Mundargi submitted before this Court that the petitioner is ready to attend the Office of the Joint Commissioner, Economic Offences Wing, Mumbai within two weeks to submit his fresh complaint and if such complaint is submitted, directions be issued to respondent - State Authority to consider that complaint and to take appropriate steps if the authority finds merit in the complaint.

5. Learned APP, on instructions, from Shri Pacherwar, PSI attached to Economic Offences Wing, Mumbai was fair enough to submit before this Court that the respondent - State Authority is having no objection for such course, if adopted, by the petitioner. Considering this positive via media arrived at with consent of learned senior counsel appearing for the petitioner as well as learned APP, we deem it appropriate to dispose of the petition with following directions:

1. The petitioner to attend the Office of the Joint Commissioner, Economic Offences Wing, Mumbai within two weeks from today to file necessary complaint by giving all the necessary details.
2. On receipt of such complaint within stipulated period, the concerned officer/authority to consider the complaint on merits and take appropriate steps.

3. The concerned authority to submit report to this court after four weeks.

The petition stands disposed of accordingly.

6. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)