

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO.48/2021

Jaisingh s/o Ramniwas Balavada .vs. State of Maharashtra through its
Secretary, Department of Home, Mantralaya, Mumbai and ors.

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

Court's or Judge's orders.

Ms R. G. Nitnaware, Advocate holding for Mr. O. Y. Kashid,
Advocate for petitioner.
Mr. M. K. Pathan, A.P.P. for respondent nos. 1 to 4.

CORAM : V. M. DESHPANDE & AMIT B. BORKAR, JJ.

DATED : MARCH 30, 2022.

This writ petition is filed by the petitioner for the
following relief:

“i. Direct the investigation in Crime
No.588/2020 dated 20.11.2020 to be made by
the Local Crime Branch or CID (Investigation), as
the circumstances may deem fit and proper.”

In paragraph (7) of the petition, it is stated that
the investigating agency ought to have registered an offence
under Section 302 of the Indian Penal Code instead of Marg
Summary under Section 174 of the Code of Criminal
Procedure.

Notices on this writ petition were issued on
22.01.2022 for final disposal. In the meanwhile, respondent
no.4, Police Station Officer, Police Station, Patur, District
Akola has filed the reply.

This matter was taken up on 29.03.2022. On the
said day, learned counsel for the petitioner was absent. In
order to give one chance, the matter was kept today. In the

order, it was made clear that if on 30.03.2022, Advocate for the petitioner is not appearing, the Court will hear the learned APP and pass appropriate order.

Today, when this matter was called out, learned counsel for the petitioner is absent. On his behalf, Ms R. G. Nitnaware, Advocate is present. She states that since Mr. O.Y. Kashid, learned counsel for petitioner is from Akola, the matter may be adjourned.

That cannot be a ground for adjournment.

Learned A.P.P., from paragraph (9) of the reply has pointed out that the State authority has already registered an offence punishable under Section 302 of the Indian Penal Code. It was initially registered under Section 304 of the IPC against one Narendra Sharma and the said Narendra Sharma is already arrested. It is also submitted by the learned A.P.P. that the investigation is still going on. That postulates that during the investigation, if role of other accused is surfaced, necessary action will be taken.

In that view of the matter, in our view, nothing survives in this writ petition. The writ petition is disposed of.

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