

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

CRIMINAL APPLICATION (APL) NO.711 OF 2022

Bhimrao s/o Sagar Wagde

..VS..

State of Mah., thr.PS Beltarodi, District Nagpur and anr

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

Court's or Judge's Order

.....
Mr.V.R.Baseshankar, Counsel for the Applicant.
Mr.N.V.Fulzele, Counsel for Non-applicant 2.
Mr.M.J.Khan, Addl.P.P. for Non-applicant 1/State.

CORAM : ROHIT B.DEO & URMILA JOSHI-PHALKE, JJ.

DATED : 17/10/2022

1. This application is preferred seeking quashing of First Information Report 131/2021 registered with Beltarodi Police Station, district Nagpur for offences punishable under Sections 406, 420, 427 and 447 read with Section 34 of the Indian Penal Code.

2. Considering the submissions of the learned counsel for the applicant, we need not delve deeper. We, at the first blush, found that it is possible that the applicant may not be culpably involved. *Prima facie* observations are recorded in the order dated 14.9.2022. We observed thus in the said order:

"5. Having so observed, we made it clear, that ultimately the observations are prima facie in nature and we expect the Investigating Officer

to carry out thorough investigation and to file either charge-sheet or closure report, as he may deem fit on the basis of evidence collected.

6. Needless to observe that we expect the applicant to cooperate with the Investigating Officer.”

3. However, the applicant did not attend the police station as directed by us and on 12.10.2022 the following order was passed:

"1. The Investigating Officer has placed on record affidavit stating that notwithstanding the observations in the order dated 14.9.2022, the applicant is not cooperating with the investigation and is not available for interrogation.

2. We direct the applicant to attend the Beltarodi Police Station, Nagpur from 11:00 a.m. to 2:00 p.m. on 13.10.2022, 14.10.2022 and 15.10.2022.

3. Stand over to 17.10.2022.”

4. Today, the learned counsel for the applicant fairly states that despite his advice, the applicant did not attend the police station. The Investigating Officer, who is personally present, also confirms that the applicant did not attend the police station as directed by us.

5. Considering the conduct of the applicant, we see no reason to invoke jurisdiction under Section 482 of the Code of

Criminal Procedure.

6. The application is dismissed.

(URMILA JOSHI-PHALKE, J.)

(ROHIT B.DEO , J.)

!! BrWankhede !!

BHUSHAN
RANA
WANKHEDE

Digitally signed
by BHUSHAN
RANA
WANKHEDE
Date:
2022.10.18
10:49:05 +0530