

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 12 OF 2018

Sachin Kalyansingh Sengar and others

vs.

State of Maharashtra and another

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

Court's or Judge's Orders.

Mr. M. J. Khan, APP for respondent No.1.

**CORAM : MANISH PITALE AND
G. A. SANAP JJ.**

DATE : 19/08/2022

CRIMINAL APPLICATION (APPP) NO. 837 OF 2022

This is an application moved by the State
in peculiar circumstances.

2. In the original application bearing Criminal Application (APL) No.12 of 2018, the applicants therein had prayed for quashing of First Information Report (FIR) registered against them at Police Station, Khadan in District Akola. The said application came to be disposed of by a Division Bench of this Court by order dated 10/07/2018, holding that no cause of action had arisen in the jurisdiction of Akola and thereupon, the FIR was

transferred to the Police Station, Mouda in District Nagpur. It appears that pursuant thereto, the Police Station at Mouda, Nagpur, conducted investigation and prepared charge-sheet.

3. Thereafter, on 16/03/2022, the Judicial Magistrate First Class, Mouda, passed an order observing that after the FIR stood transferred in terms of the aforesaid order dated 10/07/2018, passed by this Court, the Police Station at Mouda investigated the crime without registration of offence and the incident had actually taken place in the jurisdiction of Aroli Police Station. The Magistrate recorded that both the Police Station i.e. Police Station Mouda and Aroli come within its jurisdiction, but since a peculiar situation had arisen, the question that arose for consideration was as to whether the charge-sheet/final report prepared in these circumstances could be filed in the Court of the said Magistrate. In this backdrop, by the said order dated 16/03/2022, the Magistrate directed, Police Station, Mouda to seek a direction/clarification from this Court. It is in this backdrop that the present application has been filed seeking the following direction :-

“to direct the learned Judicial Magistrate, First Class, Mouda to accept the charge-sheet or direct the Mouda Police Station to transfer the investigation papers charge-sheet to Aroli Police Station in whose jurisdiction the alleged incident was took place and further direct the Aroli Police Station to put up the charge-sheet before the learned judicial magistrate, First Class, Mouda in the interest of justice.”

4. In view of the peculiar circumstances, that have occurred in this particular case, we are of the opinion that it would be in the interest of justice to direct the Police Station at Mouda to transfer investigation papers/charge-sheet/final report to the Police Station at Aroli, where the alleged incident is said to have been taken place. Thereupon, Police Station, Aroli shall formally register a crime and file charge-sheet/final report before the Court of Judicial Magistrate First Class, Mouda. Let the exercise be carried out within a period of **four weeks** from today.

5. Application stands disposed of.

JUDGE

JUDGE