

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

**CONTEMPT PETITION NO.140 OF 2023 WITH
CIVIL APPLICATION NO.8220 OF 2023 IN
CRIMINAL WRIT PETITION NO.1883 OF 2022**

Premchand s/o Gulabchandra Nahar ... **PETITIONER**

VERSUS

Nandkumar Tryambak Thakur & anr. ... **RESPONDENTS**

.....
Mr. S.V. Dixit, Advocate for petitioner
Mr. M.M. Nerlikar, A.G.P. for
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.**

DATE : 3rd NOVEMBER, 2023

ORDER :

Civil Application No.8220/2023 filed for amendment is allowed in terms of prayer clause (A).

2. Heard. The crime was registered on the report lodged by the petitioner herein. On investigation, the respondent No.2 filed "B" Summary report. Learned Magistrate did not accept the same and directed the investigating officer to make further investigation and submit report by 9/2/2023.

3. This Court, vide order dated 1/2/2023, had directed the

respondent No.1 – Superintendent of Police, Beed to look into the matter to monitor the investigation and to take the necessary action in case of non-compliance of the order of learned Judicial Magistrate, First Class and lapse in investigation.

4. The learned A.P.P. has filed affidavit-in-reply of respondent No.1 along with certain documents indicating the Superintendent of Police to have given certain written instructions to the investigating officer so as to make investigation on the lines of those instructions. Thereafter the investigation was made and again “B” Summary report has been filed. Learned Magistrate refused to accept the “B” Summary and on perusal of the police papers, has taken cognizance of the offence. True, the Superintendent of Police was directed to look into the matter to monitor the investigation. The papers of investigation ought to have been placed before the Superintendent of Police for his appraisal. The Superintendent of Police also should have called the investigating officer periodically to apprise him about the status of investigation. The investigating officer appears to have not done so. The Superintendent of Police, Beed too appears to have not called for such compliance. According to learned A.P.P., the said lapse happened due to paucity of time since the final report was to be filed on or before 9th February.

5. The learned A.G.P. further informs that, enquiry was

conducted by the Additional Superintendent of Police into the conduct of erring investigating officer. On completion of the enquiry, show-cause-notice/s have been issued to the concerned police officers including the respondent No.2 – investigating officer. According to him, the matter would be taken to logical conclusion on departmental side. Learned counsel for the petitioner wants some action to be taken against the Superintendent of Police and the investigating officer also since the Superintendent has failed to monitor the investigation and the investigating officer did not place papers of investigation before the Superintendent of Police for his approval before filing the “B” Summary report. Since the learned Magistrate has taken cognizance of the offence and issued process, the lapse on the part of Superintendent of Police and the investigating officer in compliance with the order of this Court in letter and spirit is being condoned in view of the apology tendered by the Superintendent of Police.

6. The investigating officer is also present before us. He tenders apology. We accept the same and close the Chapter. In view of the above, the Contempt Petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

fmp/-