

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1048 CRIMINAL WRIT PETITION NO.1700 OF 2022

SAU. KAVITA SHIVAJI KHAIRNAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr.Tushar Shinde h/f Mr.Patil Vijay Y.
APP for Respondent/State : Mr.M.M. Nerlikar
.....

**CORAM : R.G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 5th SEPTEMBER, 2023.**

PER COURT :-

. The petitioner claims to be a victim of a crime. She claimed to have approached the concerned Police Station. Her report was not taken cognizance of. She, therefore, approached the Court of Chief Judicial Magistrate, Dhule. Based on the order passed under section 156(3) of the Criminal Procedure Code by the learned Chief Judicial Magistrate, crime came to be registered.

2. The learned APP informs that the then Investigating Officer has filed affidavit in reply. According to him, the crime was investigated and "A" summary report was filed. On our query, he submits that not a single paper of investigation is forthcoming. He meant to say that all papers of investigation went missing. The departmental enquiry was also initiated against erring official.

3. The affidavit in reply states that “A” Summary report was filed in the Court and the learned Magistrate has even accepted the same on 26th February, 2018.

4. The learned advocate for the petitioner on the other hand submits that the petitioner had never been served with notice before acceptance of so called “A” summary report. According to him, while application for certified copy of “A” summary report and order thereon was preferred by the petitioner, his application came to be responded with the endorsement that no such “A” summary report was recorded/registered with the Court concerned. “A” Summary file was returned to the concerned Police Station. Not a single document in relation to “A” Summary report was with the Court.

5. As such, we are at the stage, when the FIR was registered, investigation of the crime was made, but the papers thereof are not before us, nor those were available with the concerned Police Station or even with the Court as well. When we call upon the learned APP to inform us as to whether case diary/station diaries are available to indicate that the investigation of the crime was really made, he submits that the said record is also not available. As such when the FIR was registered, there being no papers indicating what has been

transpired in the investigation, the Incharge of the concern Police Station is directed to investigate the very crime, again.

6. With these observations, the writ petition stands disposed of.

(SANJAY A. DESHMUKH, J.)

(R.G. AVACHAT, J.)

sga/