

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 3787 OF 2013

Charanjitsingh Harchandsingh Gill
Aged 40 years,
Of Bombay Adult Indian Inhabitant,
Residing at 403, Building No. 50,
Seawood, Nerul, Navi Mumabi.

...Petitioner

V/s.

1. The State of Maharashtra, through
Commissioner of Police, City of Mumbai
To be served through Public Prosecutor,
High Court, Mumbai

2. Mr. Radheshyam S/o. Kaluram Sharma
API, originally attached to Bangur Nagar
Police Station, to be served through
C/o. Commissioner of Police, City of Mumbai,
Crawford Market, Mumbai

...Respondents

Mr. Ashok M. Saraogi, for the Petitioner.
Ms. Mahalakshmi Ganpathy, A.P.P for the Respondent No.1-State.

**CORAM : A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 18th DECEMBER, 2023.

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JUDGMENT (Per : A.S. Gadkari, J.)

1) By the present Petition the Petitioner has prayed that, necessary directions may be issued to Respondent No.1 to conduct enquiry and investigation in respect of the allegations made by him against the Respondent No.2 and to intimate the Petitioner about the enhanced

punishment awarded to Respondent No.2.

1.1) Record indicates that, by an Order dated 27th November, 2018 Rule was issued in the Petition.

2) The Respondent No.2 has filed an Affidavit dated 21st July, 2014 and in paragraph No.4 thereof, he has stated that, the Petitioner had earlier filed Criminal Writ Petition No. 1886 of 2011 in this Court. The allegations made in the said Petition and the present Petition are same. That, in Writ Petition No. 1886 of 2011 the Assistant Commissioner of Police, Malvani Division had conducted inquiry against Respondent No.2 and had submitted a report to this Court. That, thereafter the Additional Commissioner of Police, Mumbai had inflicted punishment on Respondent No.2, of fine of Rs.500/-.

3) As the Respondent No.2 has already been punished by the higher Police Authorities in the Police Department, under the provisions of Bombay Police (Punishments and Appeals) Rules, 1956, the present Petition for same and/or similar reliefs does not survive and is accordingly disposed off.

4) Rule is discharged.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)