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69criwp37.24

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

69 CRIMINAL WRIT PETITION NO. 37 OF 2024

GOVIND RAGHUNATH SOMWANSHI AND OTHERS

....Petitioners

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

.....Respondents

Mr. G. O. Wattamwar, Advocate for the petitioners

Mr. V. K. Kotecha, APP for the respondents/State

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.**

DATE : 15th JANUARY, 2024

P. C.

1. Leave is granted to add 'the Divisional Level Police Complaint Authority' as party respondent. Amendment to be carried out within one week. Learned APP waives service of notice for added respondent.

2. Heard both the sides.

3. The petitioners are primarily aggrieved by illegal

detention and over acts who have been attributing to the Investigating Officer/Police Officer.

4. The petitioners are claiming following reliefs:-

“A) The Criminal Writ Petition may kindly be allowed.

B) To issue writ of mandamus or any other appropriate writ, order or directions in the like nature thereby the respondents may kindly be directed to preserve the CCTV footage and DVR of Ambejogai City Police Station from dated 23-09-2023 to 24-09-2023 and in furtherance the same may kindly be placed on record before this court for further necessary action.

C) To issue writ of mandamus or any other appropriate writ, order or directions in the like nature thereby the Respondent No.1 and 2 may kindly be directed, that upon perusal of CCTV and DVR of Ambejogai City Police Station dated 23-09-2023 and 24-09-2023, necessary legal (Civil and Criminal) and departmental inquiry be initiated as against the respondent Nos. 4 to 11.

D) To issue writ of mandamus or any other appropriate writ, order or directions in the like nature thereby the respondents may kindly be directed to pay compensation of Rs. 2,00,000/- each to the petitioner Nos. 2,3 and 4 towards their illegal detention by the Respondent No.4 to 11 on 23-09-2023 to 24-09-2023 at Ambajogai City Police Station, Ambejogai, Dist. Beed.

E) To issue writ of mandamus or any other appropriate writ, order or directions in the like nature thereby respondent No.1-State may kindly be directed to independently inquiry and fix the responsibility of respondent Nos. 3 to 11 regards illegal detention of the petitioner Nos. 2 to 4 and recover the amount of compensation from their personal pockets.

F) Pending hearing and final disposal of this Criminal Writ Petition, the respondents may kindly be directed to take necessary steps, towards collection of CCTV footage and original DVR of Ambejogai City Police Station of dated 23-09-2023 to 24-09-2023 and in-furtherance, may please to direct the respondents not to tamper the said CCTV footage and original DVR.

G) Ad-interim relief in terms of prayer clause “F” may kindly be granted;

H) Pass such other further orders as this Hon’ble Court may deem, fit and proper in the peculiar facts and circumstances of the case.”

5. It is being pointed out that by virtue of insertion of Chapter 2-A in the Maharashtra Police Act a mechanism has been provided for enquiring into similar kind of allegations including unlawful detention. The Police Complaint Authority is constituted to enquire into the allegations and is further expected to submit report to the State Government.

6. Considering the mechanism provided by constituting this authority which is already in place, since the allegations would require a full-fledged enquiry by the authority which has been conferred with all the requisite powers for undertaking enquiry, we dispose of the petition by permitting the petitioners to file appropriate complaint before the authority which shall undertake enquiry and submit its report to the State Government.

7. Needless to state that it would always be open for the petitioners to resort to appropriate remedy/seeking appropriate relief depending upon the out come of the enquiry.

8. The criminal writ petition is disposed of.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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