



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CRIMINAL WRIT PETITION NO. 1033 OF 2024

RAVINDRA KASHINATH CHEMATE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. Yuvraj V. Kakade Advocate for Petitioner.
Mr. A.M. Phule, A.P.P. for Respondent Nos. 1 to 3.
...

CORAM: SMT. VIBHA KANKANWADI AND
ABHAY S. WAGHWASE, JJ.

DATE : 14th AUGUST, 2024

ORDER :

1. Heard learned Advocate appearing for the petitioner and learned APP for respondent Nos. 1 to 3.
2. The petitioner had prayed thus:-

“(B). The Hon’ble High Court may be pleased to issue an appropriate writ, order or directions in like nature thereby direct to the respondent No.2 to initiate the inquiry against the investigating officer in respect of release of accused No.9 i.e. Bhujang Janu Bodakhe after arrest in connection with F.I.R. bearing CR No. 129/2024, registered with Pathardi Police Station, Tq-Pathardi, Dist-Ahmednagar for the offence punishable U/sec. 307, 367, 327, 324, 323, 143, 147, 148, 149, 504 and 506 of Indian Penal Code and for that purpose issue necessary orders.

(C). The Hon’ble High Court may be pleased to issue an appropriate writ, order or directions in like nature thereby direct the respondent authority to produce station diary dated 15.04.2024 and 16.04.2024, CCTV Footage of

Pathardi Police Station dated 16.04.2024 from 09.00 AM to 12.30 PM and further the inward register of Rural Hospital Pathardi for accused persons for medical checkup before arrest dated 16.04.2024 before this Hon'ble Court and for that purpose issue necessary orders.

(D). The Hon'ble High Court may be pleased to issue an appropriate writ, order or directions in like nature thereby direct the respondent No.2 to transfer the investigation of CR. No. 129/2024 registered with Pathardi Police Station from the present investigating officer to other superior investigating officer and for that purpose issue necessary orders.

(E). In the alternative, the Hon'ble High Court may be pleased to issue an appropriate writ, order or directions in like nature thereby direct the respondent No.2 decide the complaint dated 16.04.2024 filed by the petitioner within a period of one week and for that purpose issue necessary orders."

3. Upon the submissions, it can be gathered that the petitioner wanted to say that original accused No.9 Bhujang Boda khe was arrested by respondent No.3 in connection with Crime No.129 of 2024 and according to petitioner, said accused No.9 has been illegally released though his anticipatory bail applications were rejected even by this Court. To this, what we could find that except the oral submissions there is nothing on record. Under such circumstance, the inquiry cannot be ordered.

4. As regards CCTV footage is concerned, it appears that in the communication by the petitioner to the Hon'ble Chief Minister on 16th June 2024, copy of which appears to have been given to various authorities wherein it is mentioned that the petitioner is

having video footage and photos with him as regards the arrest of said accused. Important point to be noted is that in his said communication, he does not say that he is sharing the said video or photos with the police authorities. Another fact to be noted is that at one stage the petitioner says that said accused No.9 Bhujang was arrested and in the said communication he says that said accused be arrested. These two things cannot go hand in hand. The petitioner has also prayed for transfer of the investigation. From the record that is produced by him, we do not find that at this stage there is need to transfer the investigation.

5. However, as regards the alternate prayer i.e. prayer clause (E) is concerned, upon instructions, learned APP is making the statement that said application / communication would be decided by respondent No.2 within a period of ten days from today.

6. In view of the said statement, the writ petition stands disposed of with directions to respondent No.2 to decide the said communication dated 16th April 2024, within a period of ten days from today.

[ABHAY S. WAGHWASE]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE