

Uday S. Jagtap

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 2637 OF 2022**

Vishwajeet Sachin Jadhav & Ors. .. Petitioners  
Vs.  
The State of Maharashtra & Ors. .. Respondents

....

Mr. Jayant Bardeskar for the petitioner

Mrs. P.P. Shinde, APP for the respondent – State

Mr. Vishal Mule, API, Shahupuri Police Station, Kolhapur  
present

Mr. Rahul B. Patil, Arogya Sevak, Arogya Vibhag, Zilla Parishad,  
Kolhapur present

....

**CORAM : REVATI MOHITE DERE &  
PRITHVIRAJ K. CHAVAN, J.J.**

**DATE : 4<sup>th</sup> DECEMBER, 2024.**

**P.C.**

1. Heard learned Counsel for the parties.
2. On 3<sup>rd</sup> September 2024, the following order was passed :-

*“1. Learned APP seeks further time of four weeks. She states that only recently the audit report has been received and the same is to be analysed.*

2. *At this stage, learned Counsel for the petitioners requests that the investigation be either transferred or supervised by a senior officer, as influential people are involved in the said case.*

3. *Considering the aforesaid, without going into the merits, we deem it appropriate to direct the Superintendent of Kolhapur, to supervise the inquiry being conducted by the Police and inform this Court of the action they propose to take, on the next date.*

4. *The status report of the inquiry to be placed before this Court on the next date.*

5. *Stand over to 1<sup>st</sup> October, 2024.”*

3. Thereafter, on 1<sup>st</sup> October 2024 and following order was passed.

*“1 Learned A.P.P has tendered status report of the inquiry before us. The said report dated 30th September 2024 is taken on record and is directed to be kept in a sealed envelope, till the next date.*

*2 Learned A.P.P, on instructions, states that the Superintendent of Police is supervising the inquiry and seeks further six weeks’ time to carry out the inquiry.*

*3 At this stage, learned counsel for the petitioner submits that about 100 files have gone missing from the Zilla Parishad, Health Department, Kolhapur. He submits that the said files pertain to the allegations made by the petitioner in this petition and as such, states that the police be directed to look into the same. Learned A.P.P assures that the same will also be looked into.*

*4 At the moment, we are not inclined to grant six weeks' time as sought for by the learned A.P.P, however, we grant four weeks' time.*

*5 Stand over to 21<sup>st</sup> October 2024. Learned A.P.P to inform us the further development and the status of the inquiry from today till the next date.”*

4. On 21<sup>st</sup> October 2024, when the aforesaid petition again came up before us, the following order was passed:-

*“1. On 1st October, 2024, in para 3, we have recorded the submission of the learned Counsel for the petitioners that 100 files have gone missing from the Zilla Parishad, Health Department, Kolhapur.*

*2. Today, to substantiate the said statement, learned Counsel for the petitioners has tendered an affidavit of the petitioner No.1 alongwith a copy of the letter dated 5th June, 2024. The same is taken on record and a copy thereof is served on the learned APP.*

*3. Learned APP seeks time.*

*4. Having gone through the report and the nature of allegations, we deem it appropriate to request the Collector of Kolhapur, and the Superintendent of Police, Kolhapur, both, to appear before us through video conferencing on 23rd October, 2024 at 1.00 p.m.*

*5. Stand over to 23rd October, 2024 at 1.00 p.m.”*

5. On 23<sup>rd</sup> October, 2024 the following order was passed.

*“1. On 21st October 2024, the following order was passed by this Court in the aforesaid petition : -*

*“1. On 1st October, 2024, in para 3, we have recorded the submission of the learned Counsel for the petitioners that 100 files have gone missing from the Zilla Parishad, Health Department, Kolhapur.*

*2. Today, to substantiate the said statement, learned Counsel for the petitioners has tendered an affidavit of the petitioner No.1 alongwith a copy of the letter dated 5th June, 2024. The same is taken on record and a copy thereof is served on the learned APP.*

*3. Learned APP seeks time.*

*4. Having gone through the report and the nature of allegations, we deem it appropriate to request the Collector of Kolhapur, and the Superintendent of Police, Kolhapur, both, to appear before us through video conferencing on 23rd October, 2024 at 1.00 p.m.*

*5. Stand over to 23rd October, 2024 at 1.00 p.m.”*

*2. Pursuant thereto, the Collector of Kolhapur Mr. Amol Yedage and Mr. Mahendra Pandit, Superintendent of Police, Kolhapur appeared before us through video-conferencing. Mr. Yedage submits that he has appointed a Committee to look into the 100 missing files. He seeks four weeks time to verify the said allegations. He submits that the team will not only check the files but even looked into the papers in the*

*files. Statement accepted.*

*3. Mr. Pandit, Superintendent of Police, Kolhapur also assures that the allegations made by the petitioners with respect to allocation of funds relying on the audit reports will be looked into. He states that the petitioners be directed to co-operate with the investigation and furnish whatever information is available with them.*

*4. Learned counsel for the petitioners assures that the petitioners will assist in every which way and will hand over whatever information is available with them.*

*5. Stand over to 4th December 2024. The status report be submitted by the Collector of Kolhapur as well as the Superintendent of Police, Kolhapur, on the next date.*

*All concerned to act on the authenticated copy of this order.”*

6. Pursuant to the last order dated 23<sup>rd</sup> October 2024, the learned APP has tendered an affidavit of Mr. Amol Yedage, District Collector, Kolhapur dated 30<sup>th</sup> November, 2024. Para 2 to 4 of the said affidavit read thus:-

*“2. I state that, after completion of last hearing of the present Petition on video conference, I immediately called CEO, Zilla Parishad, Kolhapur and directed him to form a committee to unearth truth about the allegations made in the present Petition regarding misplaced 100 files with respect to the purchase of COVID-19 medical aid. I further say that the CEO, Zilla Parishad, Kolhapur by issuing office*

*order formed the committee consisting 11 designated members on 23/10/2024 itself. The order of committee forming is attached and Annexed as “Exh. A Colly” for kind perusal of this Hon’ble Court.*

*3. I state that, the formed committee headed by nodal officer Dr. U.M. Madane submitted that the scrutiny report is directed in the order dated 23/10/2024 to the CEO, Zilla Parishad, Kolhapur. I further say that, I have personally gone through the report of the formed committee. The said report and documents Annexed with the report are attached and marked “Exh.B Colly” for kind perusal of this Hon’ble Court.*

*4. I state that, the allegations regarding the misplaced 100 files are incorrect. The report of the committee states that all the files are available on record. As per this report, there are some administrative lapses observed in file and committee has also given some recommendations and those administrative lapses are covered in Audit report but neither files nor any paper in file which was a part of record is missing.”*

7. As far as the Status Report from the Superintendent of Police is concerned, the Final Report of the inquiry has been filed alongwith a letter of the Superintendent of Police. It appears that after a detailed inquiry, the Superintendent of Police has come to the conclusion that there is no substance in the allegations made by the petitioner.

8. At this stage, learned APP states that the decision on the petitioner's complaint will be communicated to him at the earliest and in any event, within two weeks from today. Statement accepted.

9. In view of the aforesaid statement, nothing survives for further consideration in the petition.

10. The petition stands disposed of.

11. Needless to state that it is now open for the petitioner, on receiving the communication, to adopt appropriate proceeding before the appropriate Forum / Court.

12. We make it clear that we have not gone into the merits of the petitioner's complaint and as such all contentions of all the parties are kept open.

**(PRITHVIRAJ K. CHAVAN, J.) (REVATI MOHITE DERE, J.)**