



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL BAIL APPLICATION (BA) NO. 339 OF 2024

Sampat Popat Chavan

Vs.

State of Maharashtra, through PSO, P.S. Hinganghat & Anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.P. Khajanchi, Advocate with Mr. A.M. Chandekar, Advocate for the Applicant.

Mr. D.V. Chauhan, P.P. with Mrs. S. V. Kolhe, A.P.P. for Non-applicant No.1/State.

Ms. S.K. Phaltankar, Advocate (appointed) for Non-applicant No.2.
Non-applicant No.2 in person.

CORAM : G. A. SANAP, J.

DATED : 31st JULY, 2024.

. The Deputy Director, R.F.S.L., Nagpur, is present.
He has filed an affidavit. It appears that, on certain aspects, the affidavit is not complete.

2. Pursuant to the order dated 22nd December, 2023, passed in Bail Application No.4209/2021, certain directions have been issued by this Court while deciding the bail application at Principal Seat at Bombay. Before passing the order dated 22nd December, 2023, the Director of the Forensic Science Laboratories, Home Department, Mumbai, Maharashtra, was directed to file an affidavit as to the staff position as on 30th September, 2023. The staff position, as on 30th September, 2023, was placed on record with the affidavit of the Director, F.S.L., Mumbai. The Director, F.S.L., Mumbai, has control all over the Forensic Laboratories in the State of Maharashtra. The process for filling up the vacancies has to be

initiated by the Directorate of F.S.L., Mumbai, Maharashtra. At that time, the information was collected by the Director from the Forensic Laboratories working under the control of the Director of all over Maharashtra.

3. In this case, in the affidavit, there is no clarification or statement with regard to the specific information provided pursuant to the directions of the Court. Before passing the order dated 22nd December, 2023, the clarification was placed on record by way of an affidavit. In the affidavit, in this case, the vacancy position is provided in a tabular form and annexed to the affidavit. The chart shows that, as on date, there are 63 vacancies. However, it is clarified in the affidavit that, out of 63 posts, 23 Class IV vacant posts have been filled on a contract basis. Even after filling 23 vacancies, the vacancy position indicates that, as on date, there are 40 vacancies. It appears that, after the order dated 22nd December, 2023, the requisite steps have not been taken by the Director, Directorate of F.S.L., Home Department, Mumbai, for filling up the vacant posts.

4. It is evident on perusal of the chart at para No.5 of the affidavit that, as on date, out of 1077 posts, 479 posts are lying vacant in the State of Maharashtra. In my view, this is an alarming situation. As far as the instances noticed by this Court while deciding the serious matters are concerned, those may be recorded in the next order. However, in the meantime, it is necessary to direct the Director, Directorate of F.S.L., Home Department, Mumbai, to file an affidavit and place on record the present vacancy position and the steps taken pursuant to the order dated 22nd December, 2023 in Bail Application

No.4209/2021 for filling up the vacancies. The Director, Directorate of F.S.L., Home Department, Mumbai, shall mention in the affidavit the plan for filling up the vacancies in the near future to tackle the alarming situation prevailing all over Maharashtra.

5. The Director, Directorate of F.S.L., Home Department, Mumbai, shall file an affidavit on or before 3rd August, 2024.

6. Stand over to **3rd August, 2024.**

7. The authenticated copy of this order be provided to the learned Public Prosecutor.

(G. A. SANAP, J.)

Vijay