



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

**CRIMINAL WRIT PETITION NO. 347 OF 2025**

Gajanan Bhaurao Chavan

.. Petitioner

**Versus**

The State Of Maharashtra And Others

.. Respondents

Mr. Hanmant V. Patil, Advocate for the Petitioner.

Smt. A. S. Deshmukh, APP for Respondent No. 1.

Mr. Upendra B. Bilolikar, Advocate for Respondent Nos. 2 to 4.

**CORAM : KISHORE C. SANT, J.**

**DATE : 11<sup>th</sup> JULY, 2025.**

**PER COURT :-**

. Heard the parties.

2. The present petition arises out of an order passed by the learned J.M.F.C., Naigaon (Bz.) dated 14.10.2024 whereby learned J.M.F.C. has granted 'A' summary. The grievance of the present petitioner who happens to be informant is that, 'A' summary report is accepted without giving any opportunity of hearing to the informant which is mandatory. It is his case that, the order was passed on 14.10.2024, since it is without giving any opportunity and giving notice, the informant could not get the

knowledge immediately. It is only after the petitioner filed an application for calling station diary, it was informed to him that 'A' summary report is already accepted. It is, thereafter, he moved this Court.

3. The learned advocate for the petitioner relies upon the following judgments :

(i) Bhagwant Singh Vs. Commissioner of Police and another reported in AIR 1985 SC 1285.

(ii) Minu Kumari and another Vs. State of Bihar and others reported in (2006) 4 SCC 359.

(iii) Maroti s/o Kaluba More Vs. The State of Maharashtra and others in Criminal Revision Application No. 205/2002.

4. The learned A.P.P. fairly submits that, opportunity needs to have been given to the informant.

5. The learned advocate Mr. Bilolikar for respondent Nos. 2 to 4 also submits that, from the order it does not appear that, opportunity was given to the informant. It is not in dispute that the Court while passing the order did not grant any opportunity of

hearing or did not give notice to the informant before granting 'A' summary.

6. In the case of Minu Kumari (*supra*), the Hon'ble Apex Court considered the provisions of Section 190(1)(c) of the Code of Criminal Procedure. It further dealt with power of the Magistrate under Section 173 (2)(i). It is held that, when 'A' summary is filed, the informant is prejudicially affected. When the Magistrate decides that there are no sufficient grounds subsist for proceeding further and drops the proceeding or takes a view that there is material for proceeding against some and there are insufficient grounds in respect of others, the informant would certainly be prejudiced as the first information report becomes wholly or partly inactive. By relying upon the judgment in the case of Bhagwant Singh (*supra*), it is held that, when Magistrate decides not to take cognizance and to drop the proceedings, notice to first informant is necessary. The informant would be given an opportunity in such cases, it is held to be mandatory though there is no provision in Cr.P.C. It is ultimately held that, it is necessary for the magistrate to give notice to the informant and to give an opportunity to be heard.

7. In the case of Bhagwant Singh (*supra*), which is already relied upon in the case of Minu Kumari (*supra*), the Hon'ble Apex Court held that, the informant would be entitled to notice when the report of the Police is accepted and proceeding is to be dropped.

8. This Court in the case of Maroti s/o Kaluba More (*supra*), specifically posed the question as to whether the first informant is entitled to notice and whether he is required to be heard by the learned Magistrate before he accepts the report submitted by the investigating officer. This Court specifically answered that, it is necessary to hear the informant on receipt of such report and where the Magistrate deems it proper to accept the report. In that case, the matter was remanded back with a direction to the Magistrate to take decision on the report of investigating officer after giving notice and hearing to the first informant.

9. This Court finds that, in view of the above discussion, this petition can be disposed of by directing the Magistrate to give hearing to the petitioner and then to pass order on 'A' summary report.

10. The impugned order dated 14.10.2024 is quashed and set aside. The matter is remanded back to the Magistrate. The Magistrate shall pass the order by giving an opportunity of hearing to the petitioner.

11. With this, the criminal writ petition stands disposed of.

( KISHORE C. SANT, J. )

P.S.B.