



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 CRIMINAL WRIT PETITION NO. 620 OF 2025

Anil Zabbu Rathod

VERSUS

The State of Maharashtra and others

...

Advocate for the Petitioner : Mr. Yogesh D. Kale

APP for Respondent No.1: Mr. V.K. Kotecha

.....

**CORAM : SMT. VIBHA KANKANWADI AND
SANJAY A. DESHMUKH, JJ.**

DATED : 12th AUGUST, 2025

PER COURT :-

1. In view of our order dated 04.07.2025, an affidavit of Ms. Farahanaj Anis Patel, the Police Sub Inspector, Sangamner City police station, district Ahilyanagar, who is the investigating officer, has been filed. She has stated that the accused in this matter has been granted interim protection under Section 438 of Cr.P.C. which is identical to Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (B.N.S.S.), by order dated 03.06.2025. Thereafter, she had made enquiry with the said accused, however, no information has been given in respect of tractor. She has tendered an unconditional apology for not informing the petitioner-informant in writing about the progress in the investigation, as contemplated under Section 193(3) of B.N.S.S. but she states that the petitioner was orally informed about the stages and the petitioner had accompanied her while

tracing the said accused.

2. Learned A.P.P. submits that it appears that circular has been issued by the State Government on 23.08.2024 for scrupulous compliance of the provisions of Section 193(3)(ii) & (iii) of B.N.S.S. A reference of the same is given in the decision of **Nirmala Bhavesh Parmar vs. State of Maharashtra and others**, [Criminal writ petition (St.) No. 16212 of 2024] decided on 29.08.2024 at Principal Seat. Now the present petitioner is coming with a prayer for direction to respondent No.4 to complete the investigation by arresting the accused persons and seizure of tractor. This prayer cannot be granted for the simple reason that the Court cannot, in any way, interfere with the investigation for such direction. The interference is to a limited extent, that too after malafides are shown. The next prayer of the petitioner is for issuance of mandamus to direct respondent No.2 to decide the complaint application dated 15/16.04.2025 filed by the petitioner before the said authority.

3. We have perused the said letter / representation dated 15/16.4.2025, wherein he has prayed for same relief i.e. to search for the tractor and arrest of accused. The District Superintendent of Police, Ahilyanagar, who has been wrongly quoted as Police Commissioner, Ahmednagar, as respondent No.2, being a superior

and controlling Officer, can be directed to look into the matter and therefore, we dispose of the writ petition in terms of payer clause "C".

(SANJAY A. DESHMUKH, J.) (SMT. VIBHA KANKANWADI, J.)

rlj/