



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

3 CRIMINAL WRIT PETITION NO.1438 OF 2024

SOU. URMILA SHASHIKANT GITE AND ANOTHER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Vishal Khatavkar, Advocate for petitioners

Mr. V.K. Kotecha, APP for respondent Nos.1 to 4

...

WITH

CRIMINAL APPLICATION NO.94 OF 2025 IN WP/1438/2024

WITH

CRIMINAL APPLICATION NO.5073 OF 2024 IN WP/1438/2024

...

CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.

DATE : 01st APRIL, 2025

ORDER :

1 Learned APP places on record the statement of ex Police Patil Nandagaul and Sarpanch of the village Nandagaul, Tq. Parali (V), Dist. Beed and also the General Diary entries from Parali City Police Station, Dist. Beed in connection with Crime No.9/2025, wherein respondent No.5 is stated to

be one of the accused. By order dated 21.01.2025 when the statement was made on behalf of writ petitioners that respondent No.5 is still residing at the same address, we had directed re-issuance of notice to respondent No.5. Then we had received report given by Police Station Officer Mr. S.G. Waghmare of Parali Rural Police Station stating that he had made inquiry regarding respondent No.5 and noted that he has left the house and went somewhere. Now, statements those have been submitted by Ex Police Patil and Sarpanch say that respondent No.5 was not seen since last five months in the village. There is absolutely no report by Police Officer, who had given report to this Court, who is also present before this Court upon directions, that statement of the persons who are residing in the house were recorded. What inquiry was made in respect of respondent No.5 with family members is not disclosed. The General Diary entries are too vague and we really wonder as to how police can given such cryptic report. It was tried to be submitted on behalf of respondent Nos.1 to 4 that respondent No.5 is wanted in Crime No.9/2025 also and the General Diary entries are of month of January, 2025. Respondent Nos.1 to 4 appears to have not given instructions to learned APP as to whether the steps in respect of an absconding accused such as Section 85 of the Code of Criminal Procedure or Section 84 of Bharatiya Nagarik Suraksha Sanhita was not adopted.

2 Now, learned Advocate Mr. V.R. Dhorde appears in the matter and submits that he has instructions to appear for respondent No.5. Under such circumstance, we may not direct respondent No.4 to take any action. Learned Advocate may file Vakalatnama within a period of one week. Respondents are at liberty to file affidavit-in-reply on or before 17.04.2025. Copy of the same be given to the other side, in advance.

3 Place the matter for further consideration on **24.04.2025**.

4 Upon instructions from writ petitioners, learned Advocate for petitioners submits that he has instructions to withdraw Criminal Application No.5073 of 2024. Therefore, Criminal Application No.5073 of 2024 stands dismissed as withdrawn.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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