

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1084 OF 2023

Sunil Sudam Patil and Ors.

.... Appellants

Versus

Manohar Raghu Ghodake and Anr.

.... Respondents

WITH
INTERIM APPLICATION NO. 2817 OF 2025
IN
CRIMINAL APPEAL NO. 1084 OF 2023

Dattatraya Kantabai Tulshidas Shinde

.... Applicant

Versus

Manohar Raghu Ghodake and Anr.

.... Respondents

Mr. Sachin K. Hande, Advocate for the Appellant.

Mr. Vinay Bhanushali a/w Mr. Sanmit Vaze, Advocate for the Intervenor.

Mr. H. S. Venegavkar, Spl. P.P. a/w Mr. Ashok Metkari, A.P.P., for the Respondent – State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 5th AUGUST, 2025.

P.C. :

1. Heard learned counsel for the Appellant, learned APP for the Respondent – State and learned counsel for the Intervenor.

2. This Court (Coram Prithviraj K. Chavan) by order dated 22nd January, 2025 had directed Inspector General, Kolhapur and Director General of Police Maharashtra to take necessary steps in accordance with law against then Superintendent of Police, Sangli. While giving direction this Court has observed that the Respondent No.1 – Original Complainant had written to the Superintendent of Police, Sangli about alleged offence by a communication dated 15th July, 2017 which was received by the Office of Superintendent of Police, Sangli. Thereafter, on 6th October, 2017 again another representation was made by the Respondent No.1 to Superintendent of Police, Sangli, which was received by Inward Clerk on the same day, but no actions were taken on the said application. Hence, the Original Complainant/Respondent No.1 was constrained to file private complaint.

3. This Court has further observed that the Original Complainant/Respondent No.1 belongs to Scheduled Caste category. The Superintendent of Police, Sangli should have taken prompt action on the said application, but it was not taken. The Section 4 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities, 1989), Act attracts to the Superintendent of Police, on that ground

aforesaid direction was given, to make inquiry and take necessary action against the Superintendent of Police, Sangli.

4. It is contention of learned counsel for the Intervenor for Superintendent of Police, Sangli that everyday the Superintendent of Police Office receives several applications and these applications are scrutinized and send to the concerned police station for necessary actions. The Applications of the Respondent No.1/Complainant were received by the office and were sent to the concerned Police Station for necessary action. When the said applications were sent to the concerned police station, the Police Inspector of concerned Police Station 'filed' these applications on the ground that non cognizable offence was already registered. So, there was no negligence and dereliction of duty on the part of the Superintendent of Police, Sangli. Learned counsel further submitted that the Special Inspector General of Police, Nashik Range has conducted inquiry as per directions of this Court and submitted report to this Court.

5. It is contention of learned SPP for the Respondent – State that as per directions of this Court, the inquiry was conducted by the Inspector General of Police, Nashik Range. In the said inquiry, no

negligence or dereliction of duty of then Superintendent of Police, Sangli was found. Learned SPP further submitted that the Superintendent of Police do not investigate in the matter. He refer the applications to the concerned Police Station. Mr. Dattatray Shinde had directed to send the applications to the concerned Police Station and was accordingly sent. Moreover, as per Section 4 of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, administrative inquiry needs to be conducted to consider negligence. Accordingly, the Administrative inquiry is done by Mr. Dattatray Karhale and report is submitted before this Court. Hence, requested to pass appropriate order. On last date, the counsel for Respondent No.1/ Original Complainant submitted that the Respondent No.1 has no grievance against the Police Officer

6. I have heard all learned counsel for the respective parties, perused the report submitted by Mr. Dattatray Karhale Inspector General of Police, Nashik Range. In the said report Mr. Karhale has mentioned that then Superintendent of Police Mr. Dattatray Shinde had sent the applications received by his office to the concerned Police Station and concerned Police Station had filed the said applications. On the ground that, Non Cognizable Offence was

already registered against the persons mentioned in the said application. On that ground, he has stated that there was no wilfull negligence on the part of Mr. Dattatray Shinde, then Superintendent of Police, Sangli and he has taken proper steps on the applications in accordance with law, and nothing has found against him in the inquiry.

7. Considering the report submitted by Mr. Dattaray Karhale and submissions of all learned counsel for the respective parties, I pass following order:

ORDER

- i. The report submitted by Mr. Dattaray Karhale is accepted and it is not necessary to take any further action against Mr. Dattatray Shinde, then Superintendent of Police, Sangli.
8. The appeal is already disposed off.

(SHIVKUMAR DIGE, J.)