



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

CRIMINAL WRIT PETITION NO.194/2025

Seema Madhukar Kurai ..Vs.s State of Maharashtra and anr.

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

Court's or Judge's orders

Mr. A. K. Khobragade, Advocate instructed by Mr. P. S. Tidke,
Advocate for petitioner.

Mr. S. S. Doifode, A.P.P. for respondent Nos. 1 and 2.

CORAM : ANIL L. PANSARE AND RAJ D. WAKODE, JJ.

DATE : NOVEMBER 27, 2025.

On 03.11.2025, following order was passed:

"On 13th October, 2025, following order was passed:

"In addition to what we have noted in order dated 18.09.2025, respondent No.1 shall make inquiry and file report as to what steps were taken by respondent No.2 to arrest the absconding accused namely, Vinay Kishor Merigala. The report shall be filed by 15.10.2025.

2. All concerned shall act on authenticated/uploaded copy of the order."

2. Respondent No.1 did not file report on 15th October, 2025, upon which, we made repeated enquiry with learned A.P.P. as to why report was not filed, to which learned A.P.P. made an attempt to divert the attention to the different aspects saying that he did not go through the report. Our question was whether respondent No.1 has complied with the order dated 13th October, 2025 by which a direction was given to file report on 15th October, 2025. It was, therefore, expected from learned A.P.P. to make a statement whether the copy of report was received by the Office of the Government Pleader by 15th October, 2025, to which, there is absolutely no answer. This would only mean that respondent No.1 failed to comply the order for no valid reason.

3. We may note here that the manner in which the matter under question has been handled by the police

department, there are reasons to believe that the police is acting hand in glove with the accused namely, Vinay Kishor Merigala.

4. Our order dated 18th September, 2025 indicates that he was arrested by the police at Guntur on 30th April, 2024 but was not produced before the concerned Judicial Magistrate. He was being directly brought to Nagpur, and during transport, he allegedly fled away, and since then he has been not found to police. Ultimately, the charge-sheet was filed showing him absconding. For such a negligent act by respondent No.2, the respondent No.1 herein had issued a show cause notice as to why fine of Rs.10,000/- should be not imposed.

5. Learned A.P.P. submits that the punishment of fine was imposed in terms of the Bombay Police (Punishments and Appeals) Rules, 1956 (for short, "the Rules of 1956"). The said Rules provides for various punishments, which includes punishment of suspension, reduction in rank, grade or pay or removal from any office of distinction or withdrawal of any special emoluments, compulsorily retirement, removal from service, dismissal, etc. Sub-rule 2 of Rule 3 provides certain punishment which may also be imposed if the Police Officer is guilty of any breach of discipline or misconduct or of any act rendering him unfit for the discharge of his duty which does not require his suspension or dismissal or removal. One of the punishments that is provided under this Rule is fine not exceeding one month's pay.

6. Respondent No.1, taking aid of this Rule, has imposed the punishment of fine of Rs.10,000/-. In doing so, respondent No.1 has noted the misconduct of the Investigating Officer saying that on 30th April, 2024, when he took custody of the accused and was in transit to bring the accused to police station, because of negligence of respondent No.2, the accused fled away. Thus, respondent No.1 found this act to be of the nature that would not require any other punishment.

7. As such, the order is completely silent as to why the said misconduct will not attract any other punishment

except fine, and on that count itself, the order needs to be quashed and set aside. However, there is additional reason why this order will not stand scrutiny of law. Respondent No.1 has ignored another serious lapse committed by respondent No.2. As stated earlier, the accused was arrested at Guntur but was not produced before the concerned Judicial Magistrate.

8. It was in the aforesaid context, the learned A.P.P. was called upon to take instructions from the respondents and accordingly the petition was posted for hearing on 6th October, 2025. Learned A.P.P. sought time to file reply. The petition was then listed on 13th October, 2025, to find that the order dated 8th September, 2025 was not complied. Accordingly, respondent No.1 was directed to make inquiry and file report as to what steps were taken by respondent No.2 to arrest absconding accused. The report was to be filed by 15th October, 2025. The same has been not filed.

9. In the circumstances, even if it is to be understood that respondent No.1 proceeded in terms of Rules, 1956, we find that the order of imposing penalty of Rs.10,000/- to be an order which does not consider the lapses committed by respondent No.2. The net result is that the accused has been not arrested till today. The Court is unaware as to what steps were taken during the intervening period to arrest the accused.

10. The counsel for the petitioner submits that the accused Vinay Kishor Merigala is using Mobile No.9989266581. A pursis to that effect has been filed on 14th October, 2025. Thus, his location could be traced. Despite such status, the respondents have taken no steps to arrest him till today. Thus, it is apparent that for some reason known to the respondents, the accused has been not arrested.

11. At this stage, learned A.P.P., by way of last chance, seeks time to take instructions from respondent No.1.

12. Time is granted with a clear understanding that failure to file report by tomorrow i.e. 4th November, 2025 will lead to an inference that the respondents are acting hand in glove with the accused. Accordingly, we

may consider recommending action against both the respondents.

13. List the petition on 4th November, 2025.

14. All concerned shall act on authenticated/ uploaded copy of the order.”

2. Learned A.P.P. has filed reply stating therein that the accused Vinay Kishor Merigala has been arrested and produced before Judicial Magistrate First Class, Nagpur. He was then released on bail.

3. Thus, the purpose of filing petition has been served. The writ petition is disposed of accordingly.

(JUDGE)

(JUDGE)

Kahale