



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NOS. 898 OF 2023 AND 221 OF 2024

(Pavan s/o Hareshbhai Gurnani & Ors. Vs. State of Maharashtra & Ors.)

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

Court's or Judge's orders.

Mr. D.S. Jagyasi, Counsel for the petitioners.

Mr. I.J. Damle, A.P.P for respondent no.1/State.

Mr. G.D. Dani, Counsel for respondent no.3 in WP 898/2023
and for respondent no.2 in WP 221/2024.

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CORAM : ANIL L. PANSARE AND
RAJ D. WAKODE, JJ.
NOVEMBER 18, 2025

We are informed that there occurred a typographical error in paragraph 3 of order dated 11/11/2023, instead of petitioner no.1, reference is made to respondent no.3.

2] Accordingly, necessary corrections shall be made by replacing 'respondent no.3' by 'petitioner no.1'. The order shall be corrected immediately, and corrected copy of order shall be uploaded.

3] In response to order dated 11/11/2025, an additional affidavit has been filed by petitioner no.2 – brother of petitioner no.1. He has annexed an affidavit, which was filed by petitioner no.1 in July – 2021, saying that petitioner no.1 is unmarried. This affidavit was tendered before the Samiti, before whom, marriage between petitioner no.1 and respondent no.3 was solemnized.

4] Thus, it appears that respondent no.3 is in habit of making false/incorrect statements.

5] In context with above, on 4/11/2025, we had passed the following order :

“Heard for some time.

2. While passing order dated 04.04.2025, this Court has observed, though prima facie, that the petitioners have been falsely implicated in the crime. The crime has been registered in the year 2021. Reply filed by the State indicates that the investigation is almost complete and the charge-sheet is ready.

3. If that be so, we would like to go through the evidence collected by respondent No.1 to find out whether there is evidence against the petitioner to file charge-sheet.

4. Learned A.P.P seeks time. Granted.

5. Stand over to the next week.”

6] In response, the learned A.P.P has shown us draft chargesheet.

7] We have gone through it to find that the last statement recorded by the Investigating Officer (I.O.) was on 2/12/2023. Thus, after 2/12/2023, the I.O. has not carried forward the investigation.

8] It is unfortunate that the I.O., who is party respondent no.1 to the petition, has not taken cognizance of the developments that occurred during the course of the petition, and without taking cognizance of those vital developments, he intends to file chargesheet. Such conduct is deprecated.

9] We, accordingly, call upon the Commissioner of Police, Nagpur, to go through the developments that occurred pending petition, and enquire into the matter as to why respondent no.1 has not taken necessary steps to find out the truth. The Commissioner of Police shall himself or through an Officer, not below the

rank of Assistant Commissioner of Police, shall conduct this enquiry, who shall ensure that all the evidences necessary shall be collected before filing chargesheet. In other words, if the investigation indicates that there is no evidence against the petitioners, appropriate summary could be filed.

10] List for further consideration in the week commencing from 8/12/2025.

11] The learned A.P.P. shall file report before 8/12/2025.

(JUDGE)

(JUDGE)

Sumit