

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

Criminal Application (APPW) No. 193 of 2024
in

Criminal Writ Petition No. 794 of 2019

[Madankumar Babulalji Shriwas **vs.** The State of Maharashtra through
its Secretary, Home Department and ors.]

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

Court's or Judge's orders

Mr. S. S. Doifode, APP for the applicant/respondent nos. 1 to 4
 Ms. Parita Lakhani, Advocate h/f Mr. M. P. Karia, Advocate for the
 petitioner
 Mr. N. B. Rathod, Advocate for respondent no. 5
 Mr. A. Parchure, Advocate for respondent no. 6
 Ms. C. S. Bhute, Advocate for respondent no. 7

CORAM: ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.

DATED : 30-09-2025.

After having heard for some time, when the Court was
 not inclined to grant relief, learned Additional Public
 Prosecutor seeks permission to withdraw the application.
 Permission granted.

The application is dismissed as withdrawn.

Criminal Writ Petition No. 794 of 2019

On 23-9-2025, following order was passed.

*“Vide order dated 28th June, 2023, this Court
 was pleased to direct the Investigating Officer to continue
 investigation but to not file charge-sheet without
 obtaining leave of the Court. What was thus expected was
 that investigation should continue, and if investigation is
 completed, by obtaining leave of the Court, charge-sheet
 should be filed. Despite two years have passed, the
 Investigating Officer has not completed investigation.*

*2. The learned A.P.P. shall take instructions as
 regards the status of the investigation and as to why leave*

of the Court is not sought for filing charge-sheet.

3. *By the said order, this Court was further pleased to direct the Inspector General of Police, Pune, to conduct a fresh enquiry against respondent Nos.5, 6 and 7 and to complete the said within a period of four months from the date of receipt of the order. The report is not yet filed.*

4. *The petitioner has alleged that respondent Nos.5, 6 and 7, who are the jail authorities, have indulged into illegal activities, including selling charas, ganja, liquor and other contrabands. The further allegation is that since the petitioner exposed the activities of the said respondents, they ill-treated him and extorted money.*

5. *Thus, the allegations were serious. The petition is pending since 2019. Various orders were passed. In these circumstances, the Inspector General of Police, Pune, ought to be mindful to the seriousness of the matter and should have diligently conducted the enquiry and filed report. The defiance of order appears to us to be contemptuous.*

6. *The Inspector General of Police, Pune, accordingly is called upon to show cause as to why the proceeding under the Contempt of Courts Act, 1971, be not initiated for not complying with the order dated 28th June, 2023.*

7. *So far as the investigation is concerned, necessary order on lapses committed by the Investigating Officer for not completing investigation in time will be considered on the next date.*

8. *Stand over to 7th August, 2025.”*

As could be seen, this Court vide order dated 28-6-2023 was pleased to direct the Inspector General of Police, Pune [it should be the Inspector General of Police (Prisons) and the parties before us have understood it to be so] to conduct fresh enquiry against respondent nos. 5, 6 and 7 and to complete the same within a period of four months from the date of receipt of the order. The Inspector General of Police (Prisons), Pune was accordingly directed to file report. The same is not yet received.

Learned Additional Public Prosecutor (APP), however, submits that 12 witnesses have been examined and the enquiry is likely to be completed within two weeks from today.

We have gone through the previous orders passed by this Court to find that the Inspector General of Police (Prisons), Pune has not taken the matter seriously and accordingly, show cause notice was issued as to why proceedings under the Contempt of Courts Act, 1971 should not be initiated for not complying the order dated 28-6-2023.

In response, Inspector General of Police (Prisons), Pune has filed reply and has tendered unconditional apology. This has been, however, done by the present incumbent. We find that the order dated 28-6-2023 had been not complied till today. The officers, who were responsible for non compliance of order, should have, as such, filed reply. It appears that the officers then working as Inspector General of Police (Prisons), Pune has/have been already transferred/retired. We have accordingly requested learned APP to inform us the names of all the officers, who were responsible for compliance of order dated 28-6-2023. The names are revealed as under :-

- (1) Dr. Jalinder Supekar,
- (2) Ms. Swati Sathe and
- (3) Mr. Yogesh Desai.

It is informed that Dr. Jalinder Supekar is transferred to other place and Ms. Swati Sathe has retired. The petitioner shall make these three officers as party respondents in person. The amendment shall be carried out within two working days and amended copy of the petition shall be served to other side.

Issue notice to newly added respondents on the address of Inspector General of Police (Prisons), 2nd Floor, Old

Central Building, Pune-1, returnable on 16-10-2025. The present Inspector General of Police (Prisons) shall serve the notice to Dr. Jalinder Supekar and Ms. Swati Sathe on their present addresses.

So far as apology tendered by present incumbent is concerned, the same shall be considered in due course. Learned APP, however, assures that the enquiry will be completed positively within two weeks from today and appropriate action will be taken in accordance with rules.

List on 16-10-2025 along with Criminal Writ Petition No. 429/2023.

(S. S. THOMBRE, J.)

(A. L. PANSARE, J.)

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