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

CRIMINAL WRIT PETITION NO. 454 OF 2023

[Satish S/o Baburao Dawle **vs.** State of Maharashtra, through thew Secretary, Home Department and ors.]

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| Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders |
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Mr. P. S. Tiwari, Advocate for the petitioner
Mr. S. A. Ashirgade, A.P.P. for the State/respondent nos. 1 and 2
Ms. Shiba Thakur, Advocate for respondent no. 3

CORAM : ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.

DATE : 25-03-2026.

On 9-10-2025, following order was passed.

*"Petitioner is aggrieved by the action taken by respondent No.3, Police Sub Inspector attached to Police Station, Ambajhari, Nagpur, arresting the petitioner for the offences, which were bailable.*

*2. Counsel for the petitioner submits that First Information Report ("FIR") was registered by respondent No.2 where respondent No.3 was working as Police Sub Inspector for the offence punishable under Sections 354(A), 294, 504, 506, 427 of the Indian Penal Code, 1860. He submits that all the offences are bailable. Despite said fact, respondent No.3, on 12.01.2023, arrested the petitioner without any notice. The petitioner was then produced before the jurisdictional Magistrate and Police Custody Remand was sought. The same was rejected because the offences alleged were bailable. The petitioner was accordingly released on the same day on furnishing bail.*

*3. Counsel for the petitioner has invited our attention to the FIR. The FIR has been lodged by*

*petitioner's daughter-in-law alleging that he abused the daughter-in-law and also had a bad eye on her.*

*4. The daughter-in-law is a journalist attached to Lokman Digital Media. According to the petitioner, respondent No.3 has acted at the behest of the informant, otherwise there was no reason for him to arrest the petitioner, for the offences which are bailable, moreso, when the petitioner is 70 years.*

*5. Counsel for respondent Nos.2 and 3 seeks time to file reply.*

*6. Counsel for petitioner submits that respondent No.2 has already filed reply and has not uttered a single word justifying his action.*

*7. We would note here that respondent No.3 is none other than the officer who is mentioned as respondent No.2. He was discharging the official duties and therefore acts done by respondent No.3 are not separable from the post which he held at the relevant time. Thus, the reply is already on record.*

*8. Nonetheless, we will permit respondent No.3 to file an independent reply. The reply shall be filed within seven working days, failing which the petition shall proceed without reply.*

*9. In the meantime, the appointing authority of respondent No. 3 shall inquire into the matter and take appropriate action in accordance with Service Rules and provisions of the law applicable to respondent No.3. The appointing authority shall file report of the action taken against respondent No.3.*

*10. Learned A.P.P. shall serve copy of the order upon the appropriate authority of respondent No.3 for its compliance.*

*11. List in the week commencing from 10.11.2025."*

2. In response thereto and particularly what has been stated in paragraph no. 9 of the order, learned Additional Public Prosecutor (APP) submits that enquiry

has been conducted against respondent no. 3 and action has been taken. The punishment of caution is imposed and recorded in his Confidential Report. Resultantly, he would be placed last in seniority for promotion.

3. Learned APP has tendered across bar affidavit of Commissioner of Police, Nagpur City to that effect. Same is taken on record. The report of action taken has been, however, not annexed to the affidavit. Learned APP submits that report will be filed before next date in sealed envelop. Be filed.

4. Stand over to 20-4-2026.

Criminal Application (APPW) No. 6/2026

5. The applicant – respondent no. 3 submits that though this Court had directed respondent no. 3 to file reply within seven working days from the date of order which was passed on 9-10-2025, respondent no. 3 could not file reply for want of certain instructions. The instructions could not be obtained because respondent no. 3 was facing enquiry.

6. Learned counsel for respondent no. 3 submits submit that henceforth, respondent no. 3 will diligently file documents, reply as ordered by the Court.

7. In view of the above and for the reasons set out in the application, the application is allowed. The

order of ‘no reply’ is recalled. The reply will be filed within seven working days from today.

(JUDGE) (JUDGE)

*wasnik*

Signed by: Mr. A. Y. Wasnik
Designation: PS To Honourable Judge
Date: 26/03/2026 17:14:06