

Represented on : 29/01/2020
Registered on : 29/01/2020
Decided on : 27/01/2021
Duration : Years Months Days
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IN THE COURT OF ADDITIONAL SESSIONS JUDGE
PANVEL-RAIGAD, AT : PANVEL

Criminal M.A.No.71/2020
CNR NO.MHRG170002332020
Exh.No.9

Sugandha Vishwakant Lokare }
Age 46 years, Occ.Business }
R/o C-6/02/03, Satyam Apt., }
Sec.5, CBD Belapur, Navi Mumbai } ... **Petitioner**

Versus

The State of Maharashtra }
Through Assistant Commissioner } ... **Respondent**
of police Turbhe Division }

Application u/sec.15 (a) Clause 6 (a) of SC & ST (POA)
Amendment Act, 2015

APPEARANCE :-

Adv.Shri Ashish S.Ingale for the petitioner
Ld.APP.Shri Mhatre for the respondent

JUDGMENT
(Decided on 27/01/2021)

Being aggrieved by snail speed investigation procedure
adopted by the investigation agency in Crime No.217/2019

registered with NRI Sagari police station as per the directions of Ld.JMFC, Thane dated 08/07/2019 under section 156(3) of Cr.P.C. for the offence registered under section 420,406 r.w. 34 of IPC and section 3(1) (a) (zc), 7(1) (a) (d), 7 (2) (1), of SC & ST (POA) Amendment Act and u/sec/3 (13) of Maharashtra Ownership Flats Act, the complainant has approached this court by filing present application in order to get aware about the exact development in the matter.

2] Heard Ld.Adv.Shri Ashish Ingale for the petitioner/original complainant who submitted that, the sections attracted in the matter as pertains to the Special Act, the investigation has been given to the police officer in the rank of SDPO. Ld.Adv. submitted that, though necessary orders has been passed for registration of crime in the year 2019, till today the investigation has failed to submit the necessary report under section 173 of Cr.P.C. Ld.Adv.has also filed the documents that the complainant has even informed the office of police commissioner that the investigation agency is failing in their duties to complete the investigation expeditiously and to file the charge-sheet before the court, vide letter dated 04/01/2020, no response has been given by the concerned office.

3] Ld.Adv.submitted that, due to such lethargic attitude of investigation agency the very purpose under the provisions of Special Act has resulted in failure of administration of justice. Ld. Adv.submitted that, also insisted for necessary action against the

concerned investigation officer who has decelerated in his duties.

4] The report of investigation has been called on the application which has been filed today by the concerned investigation officer. The concerned officer was asked to submit case diary and investigation papers in the matter in order to verify the task performed by the investigation agency till today.

5] Heard Ld.APP Shri Mhatre who submitted that, on receipt of investigation the then investigation officers, who were empowered to investigate the matter have recorded statement of witnesses and have also collected necessary documents as a part of evidence. Ld.APP submitted that, the predecessor investigation officer has asked the complainant to submit the caste verification certificate as the investigation officer has tried to verify the authenticity of the submitted copy of caste certificate by the original complainant. Ld.APP submitted that the concerned department has informed about the not tracing of concerned register of year 1988 and thereby showing inability to verify the caste certificate issued to the original complainant. Ld.APP submitted that, in this regard the original complainant was asked to produce fresh caste certificate for the investigation purpose. Ld.APP submitted that otherwise investigation is complete and the necessary report under section 173 of Cr.P.C. can be filed very soon. Ld.APP submitted that, after transfer of earlier investigation officer, recently DYSP has been appointed and he has no intentions to linger investigation and submitted the report

accordingly.

6] Upon hearing Ld.Advocates and after going through the case diary as well as the papers showing investigation so far, no doubt the initial investigation was completed expeditiously, however, it was lingered for the verification of caste certificate submitted by the original complainant. There appears the communication interse between the office of investigation and the concerned department of caste verification and certain time has been lapsed for procuring the intending documents by the investigation officer. Academically at the stage of investigation the caste certificate submitted by the complainant should not be doubted unless and until it raises certain doubts about its genuineness. Ld.APP submitted that investigation officer was intending to confirm the caste of the complainant as it is one of the ingredient of investigation under Special Act.

7] No doubt, as far as other investigation concerned, same appears to be completed. There should not be any hurdle for submitting the necessary report u/sec.173 of Cr.P.C.

8] Considering the report and submissions of LdAPP and the present investigation officer with submissions that, after verification and necessary approval from the officer in hierarchy the charge-sheet will be submitted, this court is of the view that, the petitioner is now got conversant with the present status. It is also to be noted that the investigation officer has also made

communication with the complainant in order to get caste certificate after having interse departmental communication with the office of caste verification, which shows that, the complainant was aware about certain progress and demands of investigation officer to make the case full proof in order to avoid any lacuna in the same.

9] As the prayer in the application are limited to the extent of getting updates of investigation so far, this court is satisfied with the report submitted by the investigation officer with undertaking that the charge-sheet will be filed in the matter very soon, at this stage no action is expected under the provisions of Special Act against the investigation agency. Application is accordingly disposed off.

(Directly dictated in open court on the office computer.)

Panvel
Date :-27/01/2021.

(R.G.Asmar)
Additional Sessions Judge-1,
Panvel-Raigad

