

ORDER BELOW EXH.1

1] Heard Adv. Shri. Badhe holding for Adv. Shri. Tribhuvan for the applicant and Special P.P. Shri. Bombatkar. The say was called by this court from the State and the say is filed at Exh.5 giving all details and previous offences against the accused/ respondents.

2] The present is the complaint filed for taking cognizance against the accused under Section 9(1) of the MCOG Act for having committed offence under MCOG Act. The application is filed pertaining to the incidents occurred on 15.09.2016 wherein the applicant/complainant was assaulted by non applicants/respondents with intent to kill him. The applicant was injured. He filed a report with Lashkar police station, Pune and crime No. 158/2016 came to be registered. It is the contention of the applicant that the investigating officer did not move to the competent authority for invoking the offences under MCOG Act and therefore, now he has filed the present complaint. By this complaint, the applicant/complainant prayed this court to take cognizance of the offences under Section 9(1) of the MCOG Act and to pass the order under Section 24 of the MCOG Act.

3] The learned advocate for the applicant relied on the Judgment in *Jamiruddin Ansari ..vs.. Central Bureau of Investigation and another – AIR 2009 Supreme Court 2781*. In this case Hon'ble Apex Court has held that so far as private complaint is concerned, sanction is to be obtained from the police officer not below the rank of Additional Director General of Police before a Special Judge and he can take cognizance of such complaint. It is further held in para 40 of the judgment that upon receipt of such private complaint, the learned Special Judge has to forward the same to the officer indicated in clause (a) of sub-

section (1) of Section 23 to have an inquiry conducted into the complaint by a police officer indicated in clause (b) of sub-section (1) and only thereafter take cognizance of the offence complained of, if sanction is accorded to the Special Court to take cognizance of such offence under sub-section (2) of Section 23.

4] In view of the law laid down by the Hon'ble Supreme Court, I pass the following order :-

ORDER

The complaint is forwarded to the Deputy Inspector General of Police, Pune having jurisdiction of the area under jurisdiction of Lashkar police station, Pune to have an enquiry conducted into the complaint by the police officer indicated in clause (b) of sub-section (1) of the Section 23 of the MCOC Act.

Pune,
Date 04.09.2019

(Aniruddha Y. Thatte)
Special Judge, under MCOC Act, Pune.

CERTIFICATE

I affirm that the contents of the PDF file Judgment are same word for word as per original Judgment.

Name of Steno :- Sou. S.M. Khisti,

Name of Court : Shri. A. Y. Thatte, District Judge 16 and ASJ, Pune.

Date of Order : 04.09.2019

Judgment signed by PO on : - 07.09.2019

Judgment uploaded on :- 07.09.2019