



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

REVISION APPLICATION NO. 13 OF 2024

Namrath Nithyananda Shetty

...Applicant

vs.

The Sr. Police Inspector and Anr.

...Respondents

Adv. Amarlal H. Ramrakhiani i/by Adv. Vaibhav P. Shinde	Advocate for the Applicant
Ms. S. E. Phad	APP for the Respondent-State
Adv. Jignesh Gor	Advocate for Respondent Nos. 2 and 4

CORAM : S. M. MODAK, J.

DATE : 18th JULY 2024

P. C. :-

1. Heard learned Advocate for the Applicant, learned APP and learned Advocate for Respondent Nos. 2 and 4.

2. The order of the dismissal of the complaint is challenged by way of this application. The chronology of the events is as follows:

- (i) The order dated 11/12/2009 passed by JMFC, Court No. 6, Pune for calling report of Police under Section 202 of the Criminal Procedure Code.

(ii) Police report dated 25/10/2021 received from Lonikand Police Station.

(iii) Further Order dated 29/06/2022 passed by the trial Magistrate, Pune ordering fresh inquiry.

(iv) On 02/12/2023, the impugned order came to be passed.

3. The grievance raised is “*learned Magistrate has not waited till receipt of the report as per second order*”.

4. As per contention of learned APP, no fresh report is submitted. There is one more development. The Applicant filed purshis before the trial Court thereby expressing the circumstances as to how Police have not sent fresh report and that is why he has not insisted for receipt of that report. This is disputed issue.

5. According to the Applicant, learned Judge insisted upon him to file that purshis.

6. My attention is invited to said purshis:-

(a) Copy of the purshis given to the Police, on page no. 168.

(b) Copy of the purshis filed in the Court, on page no. 172.

7. In order to verify whether this purshis is part of the record of the trial Court, I have directed the Applicant to file copies of the roznama.

He has filed it from the website. It no where records filing of that purshis.

8. Whether Applicant was justified in filing that purshis and what will be the effect of that pursis will be considered later on.

9. In view of the above, following directions:

(i) Let the Applicant to file certified copy of the roznamas maintained manually, if any.

(ii) Let report be called from the Court of the JMFC, Court Room No. 6, Pune on the following aspects:-

(a) Whether the Purshis by way of an affidavit is filed in the Court on 21/06/2023.

10. **Office to call the report.**

11. **Stand over to 14th August 2024 for compliance/further hearing.**

[S. M. MODAK, J.]