



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION (ST) NO. 953 OF 2024

Mr. Gopal C. Mehta & Ors.

.....Petitioners

**Vs.**

The State Of Maharashtra & Anr.

.....Respondents

Mr. Vikram Walawalkar with Mr. Amey Sawant for the Petitioners.

Mr. V. N. Sagare, A.P.P. for Respondent No.1-State.

Mr. Vijay Kashiram Chauhan, Respondent No.2 is present in person.

Mr. Ashok Shridhar Ugale, Kherwadi Police Station is present.

**CORAM : A. S. GADKARI AND  
DR NEELA GOKHALE, JJ.**

**DATE : 13<sup>th</sup> JUNE, 2024.**

**PC.:-**

1) This is yet another classic example where the Investigating Officer of the present crime is found to have acted in utter defiance of the provisions of Section 172(1-B) of the Code of Criminal Procedure (Cr.P.C.) and Circular dated 12<sup>th</sup> February 2024 issued by the Director General of Police, Maharashtra State (D.G.P.M.S.), issuing directions/instructions to all the Police Officers in the State of Maharashtra, to maintain case diary as per the provisions of law.

2) At this stage, merits of the case are not important for our concern.

During the course of arguments, as the learned A.P.P. on instructions from the Investigating Officer, gave irrelevant and contradictory

answers to the questions put by this Court, we thought it fit to peruse the Case Diary. We find that, the case diary of the present crime is maintained in a most shabby manner and not in a bound volume. Other papers such as the papers in suit of 2007 and other documents, not relevant to the subject case are kept in the file/case diary presented before us. It clearly discloses that, the Case Diary No.13 dated 7<sup>th</sup> June 2024 is placed on the top of the file, whereas Case Diary No.12 is placed somewhere in between the papers. Case Diary No.5 is mixed up with some other papers.

3) On earlier occasion we had requested the D.G.P.M.S. to direct all the concerned Police Officers in the State of Maharashtra to maintain Case Diary, as per the provisions of law, as the Legislature has some intention while incorporating the said provisions in the Cr.P.C.. The D.G.P.M.S. therefore had issued the Circular dated 12<sup>th</sup> February 2024 in that behalf. It clearly appears to us that, the said Circular and the directions issued thereof are not travelled and/or percolated to the lower rank of Officers, who are on the field. It appears to us that, the Investigating Officers are either ignorant of the said Circular or are feigning ignorance to it. We can understand that, the Investigating Officers may not be aware about the provisions of Criminal Procedure Code, but we cannot accept a situation that, the Police Officers are not aware of the Circulars issued by the D.G.P.M.S., who is the head of their institution.

We are making these observations out of sheer anguish, since

repeatedly we come across with such blatant contraventions of the Circulars issued by the D.G.P.M.S. as well as other statutory requirements.

4) We have therefore seized the file of the so-called 'Case Diary' of C.R. No. 864 of 2024 of Kherwadi Police Station, Mumbai from officer Mr. Ashok Shridhar Ugale to be forwarded to the Director General of Police for appropriate action in the matter. The main clip/paper clip of box file is in open condition and all attempts to close it are in vain. The file thus remains in an open condition.

4.1) The box file is kept in an envelope in the Court in our presence. The said envelope is sealed. The learned APP and the Court Sheristedar have put their signatures on the sealed envelope in our presence. The envelope is handed over in the custody of learned A.P.P for its onward transmission to the D.G.P.M.S..

4.2) Mr. Sagare, learned APP appearing in the matter is directed to carry the file to the office of the D.G.P.M.S. along with copy of this Order.

5) We direct the D.G.P.M.S. to take appropriate remedial action in this regard and to ensure strict compliance at least of its own Circulars by all the Police Officers in the State. We expect a detailed report from the D.G.P.M.S. by the next date.

6) Respondent No. 2 is personally present. He intends to appear in person in the matter.

- 6.1) Respondent No.2 is directed to comply with the provisions of the Chapter IV-A of the Bombay High Court Appellate Side Rules, 1960, i.e., Norms for Presentation and Conduct of Proceedings in Person by Parties, if he desires to appear in person.
- 7) Stand over to 28<sup>th</sup> June 2024.
- 8) Ad-interim relief in terms of prayer clause (b) shall operate till the returnable date.
- 9) All the concerned to act on an authenticated copy of this Order.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)

SHAMBHAVI  
NILESH  
SHIVGAN  
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signed by  
SHAMBHAVI  
NILESH  
SHIVGAN  
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