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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1115 OF 2023

WITH

INTERIM APPLICATION NO.1121 OF 2024

XYZ through Nitin Satish Sharma

.....Applicant

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Ms. Sakshi Mane, i/by Mr. Rajeev Sawant & Associates, for the Applicant.

Mr. Vinod Chate APP, for Respondent No.1-State.

Mr. Akshay Dunde, for Respondent No.2.

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

DATE : 13th JUNE, 2024.

PC.:-

1) We are at pains to note that, vide an Order dated 12th December 2023 passed by our predecessor, the Investigating Agency was permitted to file the charge sheet on completing investigation, as early as possible. The concerned officer from the Investigating Agency had been to the Juvenile Court, Bhiwandi, District Thane to file the charge sheet, however the concerned clerk present there, refused to accept the same on the ground that the juvenile in conflict with law was not present and he insisted the presence of the juvenile in conflict with law. The said fact was

brought to the notice of this Court and by an Order dated 8th April 2024, this Court gave liberty to the Investigating Officer to file charge sheet before the Juvenile Court, without insisting for the presence of the concerned juvenile in conflict with law. The said Order clearly expected the staff of the concerned Court and the learned Presiding Judicial Officer to accept the charge sheet in the absence of juvenile in conflict with law.

2) When the present Petition was called out for hearing on 11th June 2024, the learned APP on instructions, brought to our notice the disturbing fact that, despite issuance of two consecutive Orders by this Court, the Investigating Officer was obstructed from filing the charge sheet. We therefore, directed the concerned police Officer to file his Affidavit placing the said facts on record and the Petition was adjourned to 12th June 2024.

On 12th June 2024 Mr. Suraj Raut, PSI attached to Sanpada Police Station filed a detailed Affidavit. The Affidavit is self-eloquent and clear and needs no further explanation. *Prima facie*, it appears to us that the clerk Mr. Sudhir Pawar attached to Juvenile Court at Bhiwandi has blatantly flouted the Orders passed by this Court. He has displayed total disregard for our Orders. It is unfortunate to note that even the Presiding Officer of that Court namely Smt. Seema Ghute is either oblivious to the orders passed by this Court or has feigned deliberate ignorance thereto. We strongly condemn this conduct of Mr. Pawar and find the conduct of the

Registry of the said Court disgraceful. It clearly amounts to interference in the smooth administration of criminal justice. It also appears to us that the Presiding Judicial Officer has no control over her Court and, therefore her role also needs to be examined by the Principal District Judge.

3) Before passing further orders and initiating action under the Contempt of Court Act, 1971, we deem it appropriate to direct the Principal District Judge, Thane to conduct a detailed inquiry into the conduct of Mr. Pawar as well as the functioning and administration of the concerned Juvenile Court. The Principal District Judge, Thane shall take into consideration the pleadings in Affidavit dated 12th June 2024, peruse the entire record of the said case pending on the file of Juvenile Court at Bhiwandi and submit a Report to this Court accordingly.

The inquiry be completed within a period of one week from the receipt of present order.

4) The Registrar (Judicial-I) is directed to communicate this Order to the Principal District Judge, Thane on or before 15th June 2024. The Principal District Judge, Thane is directed to submit its Enquiry Report to this Court on or before 5:00 p.m. of 26th June 2024. We grant liberty to the Principal District Judge to suspend Mr. Sudhir Pawar during the pendency of enquiry and/or to adopt any other appropriate legal remedy under the provisions of law which he/she deems it appropriate in completing the enquiry expeditiously.

- 5) Stand over to 26th June 2024.
- 6) All the concerned to act on a copy of the Order forwarded by the Registrar (Judicial-I) of this Court and nobody shall insist upon a certified copy of the same.

(DR NEELA GOKHALE, J.)

(A.S. GADKARI, J.)