

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

**CRIMINAL APPLICATION NO.371 OF 2021**

Mamta D. Awariwar

.. Applicant

Vs.

The State of Maharashtra,  
Through Ichalkaranji Police Station,  
Kolhapur and Anr.

.. Respondents

Mr. Shyam Kalyankar for the Applicant.

Ms. M.H. Mhatre, APP for Respondent No.1-State.

**CORAM : SUNIL B. SHUKRE & M.M. SATHAYE, JJ**

**DATE : 5<sup>TH</sup> APRIL, 2023.**

**P.C. :**

1. We have heard this matter for some time. It is the contention of learned counsel for the applicant that since the act alleged against the applicant was not of such nature as was likely to cause injury to any person, there being no one sitting inside the car in question. Admittedly, there was no one sitting in the car in question at the time of the incident. It would be, therefore, necessary for this court to go through the Spot Panchnama and other Panchanamas, if any, drawn by the Investigating Officer.

2. We direct the Investigating Officer to remain personally present before the court along with the case papers on the next date. We also direct the Investigating Officer to serve notice of this petition upon respondent no.2 for

him to remain present before this court either in person or through his counsel on the next date of hearing.

3. We further request the Principal District Judge, Kolhapur to intimate respondent no.2, who states that he is working as a Clerk on the establishment of the District Court, Kolhapur and posted to Ichalkaranji, about pendency of this application and his need for remaining present before this court either in person or through his counsel. Learned Principal District Judge is further requested to submit his compliance report to this court on the next date.

4. Registrar (Judicial-I) of this court to do the needful in the matter.

5. Stand over to 28<sup>th</sup> April 2023.

[ M.M. SATHAYE, J. ]

[ SUNIL B. SHUKRE, J. ]