

Crime No. 209/2021
Mahad City Police Station
Offence U/s. 153-A(1)(b), (c)
189, 504, 505(2) and 506 of
I.P.C.

ORDER

The accused Narayan Tatu @ Tatya Rane is produced before me at 09:55 pm by Police Inspector Shri. S. D. Sanas from Mahad City Police Station in Crime No. 209/2021 for Offence U/s. 153-A(1)(b), (c) 189, 504, 505(2) and 506 of I.P.C. The accused is represented by Advocate Shri. Rajendra Shirodkar and Advocate Shri. Sangram Desai. The accused has no complaint of ill-treatment at the hands of police.

02) Heard the Learned D.G.P. Shri. Bhushan Salavi and the Learned A.P.P Shri. Prakash Joshi. I. O. is present. Perused case diary. Perused reason of arrest. Prior to going to oppose grounds of P.C.R. the advocate for the accused mainly relied upon the law laid down by the Hon'ble Superem Court in case of *Arnesh Kumar Vs. State of Bihar*. He also relied upon minutes of report of high power committee of the Bombay High Court. The learned advocate for the accused filed document to show that he made request to follow guide line given in *Arnesh Kumar Vs. State of Bihar*. Admittedly in the present crime offences punishable under section 153-A(1)(b), (c) and section 505(2) of I.P.C. are only cognizable offences. Rest of the offences are non cognizable. Admittedly in section 41(1)(a) and (b) of Cr.P.C. there are grounds given when the police officer can arrest without warrant to any person. As stated above offences under section 153-A(1)(b), (c) and section 505(2) are only cognizable and it is case of the prosecution that the accused made above statement in a interview with media. Admittedly the accused being Central Cabinet Minister police necessary should have remain along with

him. A part from this there is first information report against the present accused lodged by the one of the member political party. Considering reason of arrest and reasons discussed above I found that arrest is justified.

03) Perused case dairy it will be apt to refer case of *Ms. Alturi Rao Vs. P. I. Pawar and ors. (2011) All MR(Cri) 1759*, where in the Hon'ble Bombay High Court laid how the police authority should maintain the case diary. Admittedly the case dairy produced before me are two leafs of paper it is not in volume and paginated. The Hon'ble Bombay High Court has issued appropriate direction to home department that how concern authority to comply the mandate laid down in section 172(1-B) of Cr.P.C. In the present case the investigation officer did not follow the said mandate.

04) Now turning to the point whether custodial interrogation is necessary or not. In the present case whatever statement alleged made by the accused was made before police and available on media. The informant himself alleged in first information report that the accused made statement before media and it was viral in social media. Considering the nature of offence I do not find necessary to hand over in police custody. Hence, the accused is remanded in M.C.R. till 04/09/2021. Copy of the order be forwarded to S. P. Raigad-Alibag for information.

Place :- Mahad

Date:- 24/08/2021

(S. S. Patil)

Judicial Magistrate First Class, Mahad