

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 838/2019

Sou Motu

..VS..

The Commissioner of Police, Nagpur & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ & PUSHPA V. GANEDIWALA, JJ.
DATED : 16/10/2019

Heard Shri R.J. Mirza, learned Amicus Curiae,
Shri S.Y. Deopujari, learned Public Prosecutor for the
respondent no. 1 and Shri S.M. Puranik, learned Advocate for
the respondent no. 2.

Affidavit sworn by the respondent no. 1 –
Commissioner of Police on 23/09/2019 states that Crime
No. 229/2019 for the offences punishable under Sections
283, 341 and 34 of the Indian Penal Code is registered with
Sadar Police Station against the concerned contractor and
concerned Officer of O.C.W. Mangalwari Zone. It is further
stated that Crime No. 237/2019 for the offences punishable
under Sections 279, 304A and 34 of the Indian Penal Code is
registered with Lakadganj Police Station against Tipper driver
and a contractor of B.S.N.L.

Learned PP, on instructions, stated that charge-
sheets in both the cases are ready and would be filed before
the learned Magistrate till 04/11/2019.

Learned PP is directed to supply one copy of charge-sheets to learned Amicus Curiae, and place copies of charge-sheets on record of this petition also alongwith affidavit of compliance, till 08/11/2019.

Shri R.P. Joshi, Advocate has filed Criminal Application (APPW) No. 260/2019 seeking permission to participate in the proceedings as intervenor. He has pointed out the carelessness and negligence of the erring officers of the respondent no. 2.

Looking to the standing and experience of Shri R.P. Joshi, Advocate in handling the criminal matters, we expressed that it would be in the fitness of things that he acts as prosecutor in both the cases before the Magistrate in which charge-sheets are to be filed. Shri R.P. Joshi, Advocate requested for assistance of a colleague.

Ms. A. Wanjari, Advocate who is also appearing in the matter on behalf of Shri Ajay R. Tiwari who has filed Criminal Application (APPW) No. 263/2019 has consented to assist Shri R.P. Joshi, Advocate if she is asked to do so.

Shri S.Y. Deopujari, learned PP has assured that all necessary steps to ensure issuance of notification in the names of Shri R.P. Joshi, Advocate and Ms. A. Wanjari, Advocate is issued till 01/11/2019.

Learned Magistrate before whom the charge-sheets in Crime No. 229/2019 and Crime No. 237/2019 would be filed shall proceed with the trial expeditiously and complete it till 30/01/2020.

In the affidavit filed by the respondent no. 1 – Commissioner of Police on 15/10/2019, para no. 2 is as follows:-

“2. I humbly state that, the Police Department will provide the E-mail I.D. of Deputy Police Commissioner (Traffic), Nagpur City i.e. dcptraffcnagpur@gmail.com by giving wide publicity in local news papers, appealing vigilant citizens to lodge immediate complaints regarding pot-holes which may become reason for vehicular accidents or hurdle for smooth road traffic. The Police Department shall also provide WhatsApp No. 9011387100 and Twitter Account Number i.e. @trafficngp, so that the complaints can be lodged by the citizens on the said WhatsApp number or also on said Twitter Account.”

In the additional affidavit filed by the respondent no. 2 – Municipal Commissioner on 16/10/2019, para no. 8 is as follows:-

“8. It is brought to the notice of this Hon’ble Court that presently NMC receives complaints regarding potholes etc from citizens of Nagpur through its social media platform like email i.e. ngppotholescomplaints@gmail.com, twitter link – <https://twitter.com/ngpnmc> and face book link <http://m.facebook.com/nmcngp> and NMC takes action and resolves these complaints at the earliest. NMC is in process of creating a mobile application and host it on android platform, which will facilitate registration of complaints about potholes immediately.”

Both the respondents have assured or rather given undertaking that if complaints are received on the social media and email, they would be attended within the stipulated time and if they are not attended, the police department would investigate the matter within the stipulated time and take appropriate action against the persons (including the officers of the concerned department) who are responsible for maintenance of the roads for smooth movement of the traffic.

Accepting the proposal given by the respondents, the following directions are issued:-

- a) On receipt of any complaint by email or on social media, the officer of the respondent no. 2 – Nagpur Municipal Corporation shall redress the grievance within 10 days from the receipt of the complaint.
- b) On receipt of the complaint directly by the police department, the same shall be forwarded immediately to the respondent no. 2.
- c) If the grievance of the citizen/citizens is not redressed within 10 days, the police department shall start investigation in the matter, and if it is found that crime is to be registered, the same shall be done within 3 days of starting the investigation.

Shri S.Y. Deopujari, learned PP, on instructions, has stated that the policemen on duty will also be lodging complaints, if required.

List the petition for further consideration/hearing on 08/11/2019.

Copy of this order duly authenticated by Personal Assistant be given to all learned advocates.

JUDGE

JUDGE

ANSARI