

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE,
WASHIM.**

CRI.M.A.NO.19 OF 2021.

Sanjay Shankarrao Wankhede V. Navab Mohd. Islam Maliq
(CNR No.MHWS01-001271-2021.)

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ORDER BELOW EXH.1.

(Passed on 15.11.2022)

1. Perused complaint. Heard learned advocate Shri Deshmukh appearing for the complainant.
2. According to learned advocate, complainant belongs to 'Mahar' community and respondent is Muslim. Applicant is the cousin brother of Mr. Sameer Wankhede who is working as IRS Officer, NCB, Zonal Director, Mumbai. Prior to few months, his cousin brother Mr. Sameer Wankhede has arrested. Son-in-law of respondent and he was in jail for some time. Thereafter, Mr.Sameer Wankhede initiated action against certain celebrity and according to complainant, thereafter respondent has indulged in leveling false allegations against Mr. Sameer Wankhede in press conference. It is alleged that Mr. Sameer Wankhede is Muslim by birth and he obtained false certificate to secure employment. According to complainant, such allegations were made as Mr. Sameer Wankhede has arrested the son-in-law of respondent because of which news items were published in various news papers, on You Tube and also on T.V, because of false allegations, complainant and his family members were defamed. It is also alleged that Wankhede family is targeted by

Mr. Navab Maliq intentionally and deliberately since Mr. Sameer Wankhede a scheduled caste officer arrested his son-in-law.

3. Complainant has filed written complaint with Washim Police Station on 06.11.2021. Copy of which is filed along with this complaint, but as no cognizance was taken on 08.11.2021, he has filed written complaint with S.P. Washim. Copy of which is also filed on record, but no action was taken. He has also filed pen-drive which contains the statement made by the respondent and which was telecasted on news channel and seen by the people at Washim. He has filed his affidavit in support of his complaint at Exh.9. He has also filed the affidavit, caste certificate and FIR lodged by his brother Mr. Sameer Wankhede at Exh.11. Hence, prayed for directing investigation under Section 156(3) of the Code of Criminal Procedure for the offence punishable under Sections 3(q)(r)(u) of S.C. and S.T. (Prevention of Atrocities) Act, 1989.

4. Learned advocate has relied upon authority reported in **2021 ALL SCR (Cri) 241, Aish Devgan Vs. Union of India and Ors** wherein it is held in Para (C) that -

(C) Criminal P.C. (1973), Ss. 179, 156, 154 - Jurisdiction of Court - FIR - Filing of - Debate show anchored by petitioner was broadcast on widely viewed T.V. network- Audience including complainants located at different parts in India affected by utterances and consequences of words of petitioner ensured at

different places - FIRs filed against petitioner at such places - Do not suffer from jurisdictional defect.

5. On considering the documents filed on record and submissions made by learned advocate for the complainant, it is clear that initially complainant has filed complaint with Police Station, later on he approached to S.P. He has also filed his own affidavit, he has filed on record caste certificate of his father and real brother and his brothers affidavit also. No doubt, his brother has lodged complaint at Goregaon, complainant is the resident of Washim. He resides at Washim along with other family members. News items were published in paper and on T.V. also. So, he is entitled to file the complaint here also.

6. Considering allegations made in the complaint and documents filed on record, more particularly caste certificate, it certainly disclose a cognizable offence and which is necessary to be investigated by police. Police authority have not taken any action, considering allegations made in complaint, investigation as prayed by complainant is necessary in the present matter. So, I proceed to pass following order.

ORDER

1. P.S.O., Police Station Washim (city) is hereby directed to investigate the matter as provided under Section 156(3) of the Code of Criminal Procedure and submit its report.

2. Copy of order, copy of complaint along with copies of documents filed on record be sent to P.S.O., P.S. Washim (city) for necessary compliance.

Date: 15.11.2022.

(H. M. Deshpande)
Additional Sessions Judge,
Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word, as per the original judgment/order.

Name of Stenographer	:- R.R.Bharad, Stenographer (Grade-I)
Name of Court	:- Shri H.M.Deshpande, District Judge-1 and Additional Sessions Judge, Washim, Tq. Dist. Washim.
Date of Judgment/ Order	:- 15.11.2022
Judgment/Order signed by the Presiding Officer on	:- 15.11.2022
Judgment/Order uploaded on	:- 15.11.2022