

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION (CRIMINAL) DIARY NO.11052 OF 2020

Shashank Shekhar Jha ...Petitioner

Versus

Union of India & Others ...Respondents

AFFIDAVIT IN REPLY OF RESPONDENT NO. 3

I, Vinayak

working as a Assistant Inspector General of Police, (L & O), in the office of the Director General of Police, Maharashtra State, Mumbai, do hereby state on solemn affirmation for and on behalf of the Respondent No.3, as under-

1. I say that this Hon'ble Court was pleased to pass the following order dated 6th August,2020 in the above Writ Petition:

"Let the State bring the chargesheets on record. It has further been stated that a departmental enquiry against the police personnel was ordered and show-cause notices have been issued. Let details of the enquiry, including the action taken against the police personnel as well as enquiry report, be also brought on the record. Let an affidavit be filed by the State of Maharashtra within three weeks."

2. I say that I am filing this further affidavit in compliance of the order dated 6th August 2020 passed by this Hon'ble Court in the above Writ Petition.

3. I say that I am filing this further affidavit in addition to affidavits dated 27th May, 2020 and 29th July 2020, and I repeat and reiterate the contents of the affidavit dated 27th May 2020 and 29th July 2020.

4. I say that the State Criminal Investigation Department, Maharashtra State, Pune, after conducting a thorough investigation has filed the two following charge sheet(s) viz.:

a. C.R. No.76/2020 Kasa Police Station: Filed charge sheet against 126 accused persons before Hon'ble J.M.F.C. Court, Dahanu, District Palghar on 15.7.2020 and C.C. No. 133/2020. A true translated copy of the Charge Sheet in English in C.R. No. 76/2020 Kasa Police Station filed before Hon'ble Court of J.M.F.C. Dahanu and before the Juvenile Court, Bhiwandi, District Thane is hereto annexed and marked Annexure R-1 (Page Nos.08 to 363 and Page Nos. 364 to 469 respectively).

b. C.R. No.77/2020 Kasa Police Station: Filed charge sheet against 126 accused persons before Hon'ble J.M.F.C. Court, Dahanu, District Palghar on 15.7.2020 and R.C.C. No.132/2020. A true translated copy of the Charge Sheet in English in C.R. No. 77/2020 Kasa Police Station before filed before Hon'ble Court of J.M.F.C. Dahanu and before the Juvenile Court, Bhiwandi, District Thane is hereto annexed and marked Annexure R-2 (Page Nos.470 to 827 and Page Nos.828 to 936 respectively)

5. I say that a departmental enquiry was ordered against the police personnel, who have been prime-facie found negligent and derelict in the performance of their duties in handling the incident and preventing the commission of crime at and around the time of aforesaid incident. The report of the Special Inspector General of Police, Konkan Range, is being produced herewith. A true translated copy of the report in English is hereto annexed and marked Annexure R-3 (Page Nos.937 to 939).
6. I say that the departmental enquiry against the delinquent police personnel as mentioned below, has been completed:
- i. Anandrao Shivaji Kale, Assistant PoliceInspector,
 - ii. Sudhir TatyaKatare, Police Sub Inspector,
 - iii. Ravindra DinkarSalunkhe, Assistant Police Sub Inspector,
 - iv. Naresh NageenDondi, Driver Police Head Constable, B. No.1019,
 - v. Santosh Raghunath Mukune, Head Constable,B.No.1181,
 - vi. Shashikant Baburao Kadam, Police Constable, B.No.2306 and 12 (Twelve) Riot Control Police personnel.
7. I say that after completion of the departmental enquiry against the delinquent police personnel, Special Inspector General of Police, Konkan Range has issued Show Cause

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Notices dated 27.07.2020 to the abovenamed Police Personnel.

8. The abovenamed Police Personnel have replied to the show Cause Notices. After considering their replies to the Show Cause Notice and after hearing them, the Special Inspector General of Police, Konkan Range, has issued final order on 21.08.2020 imposing punishment upon the delinquent Police personnel, as under:

- i. Anandrao Shivaji Kale, Assistant Police Inspector, punishment of dismissal from service.
- ii. Sudhir Tatyā Katāre, Police Sub Inspector, punishment of bringing him to minimum pay of Police Sub Inspector for a period of two years.
- iii. Ravindra Dinkar Salunkhe, Assistant Police Sub Inspector, compulsory retirement from Government Service.
- iv. Naresh Nageen Dondi, Driver Police Head Constable, B. No.1019, compulsory retirement from Government Service.
- v. Santosh Raghunath Mukune, Head Constable, B.No.1181, Punishment of bringing him to minimum pay of head constable for a period of two years.
- vi. Babasaheb Sukhdeo Jagtap, Police Constable, B. No. 2298, Punishment of bringing him to minimum pay of police constable for a period of three years.

- vii. Akshay Mukund Parhade, Police Constable, B. No. 2406, Punishment of bringing him to minimum pay of police constable for a period of three years.
- viii. Akash Gautam Aarak, Police Constable, B. No. 2312, Punishment of bringing him to minimum pay of police constable for a period of three years.
- ix. Ganesh Baban Ghagas, Police Constable, B. No. 609, Punishment of bringing him to minimum pay of police constable for a period of three years.
- x. Amitkumar Shivaji Jadhav, Police Constable, B. No. 710, Punishment of bringing him to minimum pay of police constable for a period of three years.
- xi. Kamlakar Shantaram Patil, Police Constable, B. No. 784, Punishment of bringing him to minimum pay of police constable for a period of three years.
- xii. Uraj Gautam Hovale, Police Constable, B. No. 2284, Punishment of bringing him to minimum pay of police constable for a period of three years.
- xiii. Israel Chand Sayyad, Police Constable, B. No. 2305, Punishment of bringing him to minimum pay of police constable for a period of three years.
- xiv. Rahul Bhaskar Pandagle, Police Constable, B. No. 2301, Punishment of bringing him to minimum pay of police constable for a period of three years.
- xv. Shriram Vilas Fajge, Police Constable, B. No. 2286, Punishment of bringing him to minimum pay of police constable for a period of three years.

- xvi. Shashikant Baburao Kadam, Police Constable, B. No. 2306, Punishment of bringing him to minimum pay of police constable for a period of one year.
- xvii. Suraj Dayanand Kamble, Police Constable, B. No. 2340, Punishment of bringing him to minimum pay of police constable for a period of one year.
- xviii. Manoj Ramu Sahare, Police Constable, B. No. 2557, Punishment of bringing him to minimum pay of police constable for a period of one year.

The true translation of the final orders dated 21.08.2020 passed by Inspector General of Police, Konkan Range, in English is hereto annexed and marked Annexure R-4 (Page Nos.940 to 996).

9. In the circumstances, I say that the present Writ Petition be dismissed with costs.
10. That no new additional facts or documents, which are not part of the record are stated or annexed in this Further Affidavit in Reply.

Hence this Affidavit.