

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 1089 OF 2011

M/S VIKRANT DEVELOPERS,
THROUGH SOLE PROPRIETOR
SANJAY BHAGWANDAS PATIL
VERSUS
RAJENDRA RAJARAM BASAIYE AND ANOTHER

...

Advocate for Petitioner : Mrs. Rashmi S. Kulkarni.

Advocate for Respondent No.1 : Mr. Pramod F. Patni.

APP for Respondent No.2: Mr. B. L. Dhas.

...

CORAM : **A. B. CHAUDHARI &
INDIRA K. JAIN, JJ.**

DATE : 02nd September, 2015.

Per Court:

. Heard the learned counsel for the rival parties.

2 Mrs. Kulkarni, learned counsel for the Petitioner vehemently contended that the detention in question was clearly illegal and contrary to the parameters laid down by the Apex Court in the case of **D. K. Basu Vs. State of West Bengal**, reported in, **[1997 AIR SCW 233]**. She fairly states that the illegal detention was for a day and therefore, claim for compensation is very well maintainable before this Court.

3 We do not doubt the jurisdiction of this Court to award compensation, but then we find that the Petitioner should be relegated to the normal civil remedy for claiming damages by civil suit.

4 It is not possible for us to make appreciation of evidence here.

Hence, the following order:

ORDER

- I. The present criminal writ petition is disposed of with liberty in favour of the Petitioner to take such steps as available in law including filing of suit for claiming damages.
- II. Liberty to apply for exemption.

[INDIRA K. JAIN, J.]

[A. B. CHAUDHARI, J.]

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