

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 258 OF 2015

Shubham Krida va Kala Mandal
Ichalkaranji, Tal. Hatkanagale,
Dist. Kolhapur

.. Petitioner

v/s.

State of Maharashtra, through
Ichalkaranji Police Station

..Respondent

Mr. Manoj A. Patil for the petitioner
Mrs. M.M. Deshmukh, APP for the respondent State

**CORAM: RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 25th FEBRUARY, 2015.

P.C.

1. The petitioner claims to be a Mandal registered under Societies Registration Act, 1860. The petitioner is engaged in social activities such as cricket, football, volleyball, Tennis, Badminton and such other sitting games etc. The petitioner states that due to continuous harassment by the local police, it has become imperative for the petitioner to ask for relief as claimed in

the petition. The relief claimed in the petition is to direct respondent not to enter the premises of the petitioner Trust without following due process of law and/or without any prior intimation/notice in the interest of justice.

2. Mrs. Deshmukh, learned APP submitted that no such blanket relief can be granted.

3. In our opinion, the relief claimed in prayer clause (a) has been articulated in such a manner that the effect of granting it, would be granting blanket relief to the petitioner. In our opinion, if the local police has reason to believe that some illegal activities are being conducted in the premises of the petitioner trust, to unravel that or to immediately stop those activities, they are competent to enter the premises without giving notice to the petitioner. That action would nevertheless be without due procedure of law. In other words, we would only observe that the local police are free to enter the premises of the petitioner by

following due process of law and may do so without giving prior notice/intimation in the given situation where they are authorised to do so by law.

4. We make it clear that none of the observations made in this order are expression of opinion either way on the assertion made by the petitioner that they are conducting activities which are only legitimate and permissible activities. We are not entering upon that discussion as it is not necessary to do so for the disposal of this petition.

5. Subject to above, the petition is disposed of.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)