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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1754 OF 2013

Vishal Mahindra Gada @
Shah

... Petitioner.

V/s.

The State of Maharashtra and ors

.... Respondents

Mr. Prakash Naik, for the Petitioner

Smt. V.R. Bhosale, A.P.P., for the Respondent-State.

CORAM : P.V.HARDAS &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : 27TH MARCH, 2015.

P.C. :

1. Mr. Prakash Naik, learned counsel for the petitioner, states on instructions that the petitioner does not press for the relief prayed for by the petitioner at prayer clause (a) to the petition i.e. for quashing of the proceeding Criminal Case No.298 of 2013 pending on the file of 8th Additional Chief Metropolitan Magistrate, Esplanade, Mumbai, as the trial has already commenced.

2. Mr. Naik, learned counsel for the petitioner further states on instructions that pursuant to the order passed by this Court on 21st

December, 2013, the petitioner had applied to the trial Court for return of his driving license which has now been returned to the petitioner and therefore, the petitioner also does not press for the relief prayed for by the applicant at prayer clause (b) to the petition.

3. The learned counsel for the petitioner further states that the Maruti Car of the petitioner bearing Registration No.GJ-5/CR-1750 which had been seized by the police has been returned to the petitioner and the petitioner, therefore the petitioner does not press for the relief prayed for by the applicant at prayer clause (c).

4. Mr. Naik, learned counsel for the petitioner states that a representation dated 23rd February, 2013 has already been addressed to the Senior Police Inspector with copies to the Commissioner of Police and to the other Senior Police Officers, for taking action against police officers, who had illegally put clamp on the car which had been parked opposite the building in which the petitioner resides. Admittedly the reply filed by the learned APP does not indicate whether the said representation has been decided or not. The petitioner has obviously not been communicated any decision which has been arrived at by the authorities on the representation, submitted by the petitioner on 23rd February, 2013.

5. We, therefore, allow this petition in respect of prayer clause

(d) to the petition to the extent indicated below.

6. We, therefore, direct the authorities to decide the representation of the petitioner dated 23rd February, 2013 as expeditiously as possible and preferably within three months from the receipt of writ of this Court and communicate the decision thereof to the petitioner. The petitioner obviously will be at liberty to file such proceedings as are necessary in law for challenging the order on the representation if adverse to the petitioner.

7. Rule is, thus, made absolute in terms as indicated above with no orders as to costs.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[P.V.HARDAS, J.]