

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

A.B.APPLICATION NO.1544 OF 2015

Shyam Sunder Agarwal

..Applicant

-Versus-

State of Maharashtra

..Respondent

Mr. Rajendra Mokashi for applicant

Ms. P.P.Shinde, APP for State

CORAM : A.S.GADKARI, J.

DATE : 9th December 2015.

P.C.

1] The applicant is apprehending arrest in C.R.No.308 of 2015 registered with L.T.Marg police station under section 379, 332, 353, 427, 504, 506, 392 and 34 of IPC.

The complainant, a police constable working with Mumbai police has registered the F.I.R. dated 24th August 2015. In the FIR, he has stated that he was on his lawful duty on 24th August 2015. At about 4.00 p.m. he found that a Blue coloured Maruti Swift Dizire Car bearing Registration No.MH-03-BE-6117 was parked on the road, contrary to the rules and regulations. The said car had caused traffic congestion on the said road. When the complainant went to

clamp the said car, the owner of the said car along with one woman and a person wearing Green T-shirt came near the car and resisted him from clamping the said car. When the complainant asked the said car owner to pay fine for double parking, he refused to do so. Therefore, the complainant took the licence of the said car owner and was proceeding towards his van. At that time, the person wearing Green T-shirt aged about 22 years came from behind the complainant and snatched the licence pertaining to the car owner from the pocket of the complainant. When the complainant questioned the said person about his said act, the said person wearing Green T-shirt and after other two persons assaulted the complainant with fists and also abused the complainant. The said person who was in Green T-shirt has been identified as the present applicant. During the said scuffle, official dress of the said constable was torn and his spectacles were also broken.

2] The allegations against the applicant is that he not only deterred the public servant from performing his lawful duty but also assaulted the public servant. Taking into consideration the fact that the applicant has behaved in unruly manner and assaulted a police constable on duty of the law enforcing agency by deterring him from

performing its lawful duty, according to me, present case assumes seriousness in itself. Showing sympathy to applicant would amount to giving licence to unruly citizens for committing offence against the law enforcing agencies. In view of the above, the application is without any merits and is dismissed accordingly.

(A.S.GADKARI, J)