

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPW) NO. 88/2015
IN CRIMINAL WRIT PETITION NO. 309/2015.

Shri Damodharlal Girdharilal Khinchi

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : **B.P.DHARMADHIKARI**
& P.N. DESHMUKH, JJ.

DATE : **JULY 03, 2015.**

Heard Shri S.K. Soni, learned Counsel for
the applicant/appellant and Shri R.S. Nayak, learned
A.P.P. for respondent nos. 1 to 3.

2. This Court has issued notice in Criminal
Writ Petition No. 309/2015 on 17.06.2015 and it is
made returnable today. However, learned Counsel on
account of his illness could not complete the
procedural formalities.

3. Criminal Application No.88/2015 is being
pressed, pointing out that a water tap in the room in

2

petitioner's hotel, on which seal has been placed has stated leaking and needs urgent repairs. The petitioner claims that he has approached the Commissioner, who functions as Magistrate under the provisions of Section 18B of the Immoral Traffic (Prevention) Act, 1956 but, the Commissioner has still not taken any steps.

4. Learned A.P.P. is opposing intervention of this court. He submits that appropriate orders are to be passed by the Commissioner only.

5. However, considering the nature of grievance made and as the petitioner has agreed to carry out the repairs of the leaking tap at his own expenses, if seal is removed and has also agreed to permit the authorities to re-seal the room after said repairs, we grant prayer made by the applicant/petitioner.

6. Accordingly Criminal Application No.88/2015 is allowed and the respondents Authorities are directed to remove the seal, after petitioner has made arrangement for repairs and to refix the said seal after such repairs. The time of repairs and for removal of seal shall be mutually

3

agreed and arranged between the petitioner and the respondent no.3. Criminal Application stands disposed of accordingly.

7. Learned A.P.P. is seeking time of two weeks to file reply to the main Writ Petition. Time granted. List the Writ Petition on 17.07.2015.

JUDGE

JUDGE

Rgd.