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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1448 OF 2016

Yuvraj Dhondu Bhandane

..Petitioner.

V/s.

The State of Maharashtra and Ors.

..Respondents.

Mr.H.A.Mundargi with Mr.J.J. Bandeskar for the petitioner.

Mr.S.K.Shinde, PP along with Mrs.M.M.Deshmukh, APP for respondent-State.

**CORAM : NARESH H.PATIL AND
A.M.BADAR, JJ.**

DATED : 6TH MAY, 2016

P.C. :-

1. Heard learned counsel for the petitioner and learned Public Prosecutor for the State.

2. The petitioner is working as an Assistant Commissioner Public Relation Officer and Administration attached to the Ulhasnagar Municipal Corporation. Earlier, the petitioner was in-charge of the Anti-Encroachment Squad. It is the petitioner's case that he had taken effective steps as the head of the demolition squad and had initiated various

proceedings against various persons who were violaters of the law. Due to peculiar duty assigned to the petitioner on certain occasions he had felt for having appropriate protection.

3. The petitioner had filed Writ Petition No.1713 of 2014. By an order dated 20th June, 2014, the Division Bench of this Court passed following order :-

- “1. Upon praecipe, matter is listed today under the caption “production”.
2. Heard the learned counsel appearing on behalf of the Petitioner. The Respondent Nos. 1 and 2 are directed to provide police protection to the Petitioner free of costs, as was given to him from 2011 after September 2012. This police protection be given to the Petitioner expeditiously, within a couple of days. S. O. to 4.7.2014.”

4. By order dated 25th March, 20015, statement made on behalf of the State was recorded that the concerned committee found that there was no threat perception to the petitioner and the protection was withdrawn. While disposing of the the petition, the Court further observed that in case the petitioner feels future threat perception, the committee shall take appropriate decision on its own merit.

5. The petitioner's personal car which was parked in the compound of Ulhasnagar Municipal Corporation was burnt by two unknown persons who allegedly had entered the premises on motor cycle. The incident happened, according to the petitioner, when the petitioner was just two to three feet away from the car. The petitioner filed complaint to the police which was registered on Crime No.I-104/2016 on 20th February, 2016 for offence punishable under section 435 read with 34 of the Indian Penal Code. It is stated that the investigation in the said case is going on still and no arrest has been made so far.

6. After registration of the F.I.R., the police protection was granted to the petitioner. The petitioner made an application to the Commissioner of Police, Thane on 23rd February, 2016 seeking 24 hours police protection free of costs. This issue is still pending consideration by the Commissioner of Police, Thane. Learned counsel appearing for the petitioner prayed for appropriate directions to the police to transfer the investigation of F.I.R. No.I-104/2016 registered on the complaint of the petitioner to any other competent Senior Police Officer and for issuing direction for

providing 24 hours police protection. The petitioner has annexed a list of cases initiated on his behest and registered by police, which are 27 in number wherein the petitioner is the complainant.

7. Mr.Shinde, learned PP has submitted that there can be no two views that employee / officer discharging public duties shall be made to function fearlessly. Learned PP submits that there is a District level committee headed by Commissioner of Police which scrutinizes such requests on application or on its own for providing police protection. In the present case, the Commissioner of Police who heads the Committee relating to the request made by the petitioner shall take appropriate decision. On the issue of transfer of investigation of the F.I.R. on the complaint registered, the learned Public Prosecutor submitted that the investigation will be handed over to the Senior Police Inspector of the concerned police station. We accept the statement made by the learned Prosecutor on instructions of responsible officer, who is present in the Court.

8. The Commissioner of Police, Thane to take

appropriate decision on the application of the petitioner within two weeks from today on its own merits.

9. The investigation of Crime No.I-104/2016 shall be handed over to Senior Police Inspector of the concerned police station. The Assistant Commissioner of Police of the concerned zone shall supervise the investigation. The investigation shall be completed at the earliest.

10. The petition is disposed of.

11. Registry to forward a copy of the order to the Commissioner of Police, Thane.

(A.M.BADAR, J.)

(NARESH H.PATIL, J.)