

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4303 OF 2015

Mr. Ramchandra R. Punjabi ..Petitioner
vs.
The Commissioner of Police,
Navi Mumbai & anr. .. Respondents

Ms Veena Thadhani for the Petitioner.
Ms Vaishali Nimbalkar, AGP for Respondents.

CORAM : M. S. SONAK, J.

Date of Reserving the Judgment : 17 February 2016

Date of Pronouncing the Judgment : 02 March 2016

JUDGMENT :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] The learned counsel for the parties agree that even the fact situation in the present case is virtually identical to the fact situation in the case of *Kiran E. Bhoir vs. The Commissioner of Police, Navi Mumbai & Anr. [Writ Petition No. 4300 of 2015]*, which was taken up for consideration along with the present petition.

3] Therefore, for the reasons set out in the judgment and order made in the writ petition no. 4300 of 2015, even the Rule in the present petition is similarly disposed of.

4] On the aspect of proportionality, however, there is some merit in the contentions of Ms Thadhani, the learned counsel for the Petitioner. There is some material brought on record to indicate that in circumstances, which at least broadly appear to be similar, licences were not cancelled but were suspended and in some cases, even warnings issued. The material on record is however not sufficient on the aspect of antecedents of such parties or the mitigating circumstances, if any, that may have obtained in the said cases. As noted earlier, the applications for renewal of licences are pending before the Respondent no. 1. The Respondent no. 1 is accordingly directed to take some suitable decision, both in the matter of renewal, as also imposition of some penalty, now that it is established that the Petitioner had indeed breached the terms and conditions of the licence as also, the provisions contained in Rules 33(3)(b) and 33(1) of the Rules. For this purpose, the Petitioner is granted liberty to make representation to the Respondent no. 1 within a period of two weeks from today. In the representation, the Petitioner is at liberty to make reference to cases and decisions, in the context of proportionality of penalty. The representation as also the application for renewal of licence to be disposed of within 12 weeks from today. During this period of 12 weeks or until necessary

decision is taken in the matter of renewal and imposition of penalty, the interim order granted in this petition, to operate.

5] Rule is disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)