

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

CRIMINAL WRIT PETITION NO.374 OF 2016

Nagrik Samiti Malkapur and others.

-vs-

State of Maharashtra, Ministry of Home, Mumbai and ors.

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

Court's or Judge's Orders.

Shri S. R. Deshpande, Advocate for petitioners.
Shri M. J. Khan, APP for respondent/State.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : September 21, 2016

Heard for sometime.

Prima facie it appears that in their report to police, the petitioners have named few persons as offenders who had engaged in rioting and formed unlawful assembly. It is claimed that unlawful assembly has thrown stones which has damaged the property. Therefore there is prayer for grant of compensation under Section 51 and other enabling provisions of the Maharashtra Police Act.

Learned Additional Public Prosecutor relying upon reply affidavit filed by respondent No.4 submitted that after due enquiry, charge-sheet has been filed against the persons who have been found responsible for formation of unlawful assembly and other acts. He contends that there are many

other persons who according to the petitioners indulged in the same mischievous act. Grievance in that respect can be made before Trial Court. Request for compensation needs to be made before the District Magistrate. He further adds that as the incident was short lived, provisions of Sections 50, 52 and 53 of the Maharashtra Police Act are not attracted.

We do not wish to go into the merits of controversy. The petitioners in their report have named the persons and they can approach the JMFC pointing out need of filing of charge-sheet against those persons also. Therefore with liberty to the petitioners to take appropriate steps in this respect in accordance with law, we dispose of said grievance.

In so far as prayer for compensation is concerned, District Magistrate-present respondent No.2 is competent under Section 51 of the Maharashtra Police Act to hold inquiry and thereafter pass suitable orders. The District Magistrate therefore has to pass suitable orders on grievance of the petitioners. It is open to him to refuse to hold inquiry or then to pass suitable orders about quantum of compensation after ascertaining damage, if any, sustained by the petitioners.

In this situation, we direct the respondent No.2 to look into grievance of the petitioners in accordance with law. We grant the petitioners time of two weeks to move application

pointing out their grievance and damage caused to them. After receipt of such application, it will be open to respondent No.2 to proceed further in the matter in accordance with provisions of Section 51 and other enabling provisions of the Maharashtra Police Act.

The respondent No.2 shall pass final orders in any case within next four months.

With these directions, keeping all rival contentions open, W.P. No.374/2016 is partly allowed and disposed of with no order as to costs.

JUDGE

JUDGE

-: C E R T I F I C A T E :-

“ I certify that this Judgment/order uploaded is a true and correct copy of the original signed Judgment/order.”

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