

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

CRIMINAL WRIT PETITION (CWP) NO. 378 OF 2016

(Rajnikant s/o Daluram Borele vs. State of Maharashtra thr. Secretary, Ministry of Home & Ors.)

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 &
KUM. INDIRA JAIN, JJ.
DECEMBER 21, 2016.**

Heard Shri J.M. Gandhi, learned counsel for the petitioner and Shri S.S. Doifode, learned APP for the respondents.

2. The petitioner, claiming to be a whistle blower and also witness in few matters, seeks continuation of police protection. It is not in dispute that he was given police protection till the year 2011. It has been thereafter withdrawn. The request made by him for its restoration has been looked into and turned down.

3. The last rejection appears to be on 10.02.2015 by a Committee which consisted of Superintendent of Police, Yavatmal as its Chairman with Dy. Superintendent of Police and two Police Inspectors as members. There reason given is, there was no threat perception and the petitioner was given license to carry weapon.

4. Shri Gandhi, learned counsel points out that subsequently i.e. on 31.12.2015 that weapon is also withdrawn. He is inviting attention to rejoinder placed on record and report lodged by the petitioner on

09.11.2016 about an attack of which cognizance has been taken under Section 394 read with Section 34 of Indian Penal Code. Our attention is also invited to the orders dated 20.08.2013 in suo motu Writ Petition No. 466 of 2010 where this Court has observed that a Committee consisting of three persons not below the rank of IAS Cadre and MPSC and IPS cadre should be formed. Shri Gandhi, learned counsel submits that case of the petitioner has never been looked into by any such Committee.

5. The learned APP is relying upon reply affidavit to urge that the case and cause of the petitioner has been appreciated in the meeting of Competent Police Officers and thereafter suitable decision has been taken.

6. We do not find it necessary to delve into niceties at this stage. The orders of this Court dated 20.08.2013 in suo motu Writ Petition No. 466 of 2010 are filed with the petition as Annexure – 1. Those orders are not in dispute. The respondents have not pointed out that case of the petitioner has been looked into by any such Committee.

7. From arguments it appears that certain cases which have been initiated because of complaint made by the petitioner and certain other matters in which he has to appear as witness, are still pending. Availability of weapon for self defence was one of the reasons which weighed with the respondent while rejecting the request to restore police protection on 10.02.2015. The

subsequent development shows that the petitioner does not have that weapon now. The petitioner has also pointed out an assault on 09.11.2016. The papers have been placed on record along with rejoinder dated 06.12.2016.

8. In this situation, we grant the petitioner leave to make appropriate representation pointing out all pending cases of which cognizance has been taken on his complaint and also cases in which he has to assist the State as a witness. He can also point out other relevant factors like withdrawal of weapon license, having bearing on grant of police protection.

9. If such a representation is made within a period of three weeks from today, the Competent Committee constituted by Respondent No. 1 shall look into that request within a further period of six weeks and take fresh decision. If necessary, an opportunity of hearing shall be given to the petitioner.

10. With these directions and keeping all rival contentions open for consideration, we dispose of the present Criminal Writ Petition. No order as to costs.

JUDGE

JUDGE

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