

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.2322 OF 2014**

Shivneri Kala, Kala Krida va Sanskrutik
Mandal through its Chairman,
Shri Sandip Balu Gaikwad.

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Ujwal R. Agandsurve for the Petitioner.

Mr. N.B. Patil, APP for the Respondent No.1-State.

**CORAM : A.S. OKA &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 6th FEBRUARY, 2017.

P.C.:-

This Petition is filed by the Petitioner which claims to have been registered as a society under the Societies' Registration Act, 1860. The first prayer is for quashing the charge sheet. The Petitioner is not shown as an accused in the said charge sheet. Hence, prayer clause (a) cannot be entertained at the instance of the Petitioner. Prayer clause (b) proceeds on the assumption that the Respondents are trying to prohibit the members of the Petitioner from carrying on lawful activities. Prayer clause (c) proceeds on the apprehension that its members will be prevented from entering in the premises of the Petitioner. Prayer clause (d) seeks to restrain the Authorities from calling upon the Petitioner to obtain a permit under Section 33(w) of

the Bombay Police Act, 1951.

2. Apart from a notice issued under Section 149 of the Code of Criminal Procedure, 1973 there is absolutely no material on record to support the existence of any apprehension. In support of the prayer clauses (b), (c) and (d), there is no material produced in this Petition except a notice issued under Section 149 of the Code of Criminal Procedure. Hence, we decline to entertain this Petition at this stage the instance of the Petitioner. Accordingly, the same is rejected. We however, make it clear that no adjudication is made as regards the merits of prayer clause (a). It will be always open to the accused mentioned in the charge sheet to take appropriate proceedings in accordance with law.

(ANUJA PRABHUDESSAI, J.)

(A.S. OKA, J.)