

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3068 OF 2016

Ms. Priti D/o. Santosh Sharma and anr.	..Petitioners
Versus	
The State of Maharashtra	..Respondent

Mr. Ashok M. Saraogi, advocate for the petitioners.
Mrs. A. S. Pai, APP for the State.

CORAM : RANJIT MORE,
DR. SHALINI PHANSALKAR-
JOSHI, JJ.

DATE : 10th JANUARY, 2017.

P. C. :

Mr. Saraogi, learned counsel for the petitioners, at the outset, states that he is restricting this petition to the relief claimed in prayer clause (b). Prayer clause (b) reads as follows:

"b) that this Hon'ble Court be pleased to pass appropriate writ, order and direction directing the Respondents to forthwith provide necessary security to the Petitioners so as to enable the Petitioners to depose before the Hon'ble 28th Metropolitan Magistrates Court Esplanade, Mumbai in connection with FIR No.384 of 2013 registered at the behest of the Petitioners under the provisions of Section 323, 354 of the IPC on such terms as this Hon'ble Court may deem fit and proper."

2. The grievance of the petitioners is that they are assaulted by the accused and his family members in the premises of the Court and in such circumstances, they claim police protection to enable them to depose before the Court. Mr. Saraogi, learned counsel for the petitioners, does not dispute that the petitioners have not applied before the trial Court for the prayers which are sought in the present petition. The petitioners have directly approached this Court though they have an efficacious alternate remedy. We, therefore, are not inclined to entertain this petition. The petitioners are always at liberty to apply before the trial Court with a request to provide police protection to them. Such an application can be made by the petitioners even through their lawyers and the trial Court may decide the same in accordance with law.

3. In the light of the above, the writ petition is disposed of.

4. All concerned to act upon a copy of this order duly authenticated by the Registry of this Court.

(DR. SHALINI PHANSALKAR-JOSHI)

[RANJIT MORE, J.]