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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4460 OF 2014

Yashashri Rajan Kadu

.... Petitioner.

V/s.

The Commissioner of Police
and ors

.... Respondents

Mr. Omkar Nagvekar, i/by Prabha Badadare, for
the Petitioner.

Mrs. M.M. Deshmukh, APP for the Respondent
State.

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

DATE : 25th JANUARY, 2017.

P.C. :

1. Heard learned counsel for the Petitioner and learned APP for the State.
2. By this petition, filed under Article 226 of the Constitution of India, the petitioner is challenging the notice dated 1.11.2014 issued by Assistant Commissioner of Police on behalf of Police Commissioner, Thane, directing the petitioner to deposit an amount of Rs.1,60,654/- towards police protection granted to her during the period from 02.06.2011 to 06.07.2011.

3. It is the case of the petitioner that she was elected as Mayor of Bhiwandi Nizampur City Municipal Corporation in the year 2010. In the month of June, 2011, she started receiving threats from the anti social elements and therefore, she applied for police protection. In pursuant to her application, she was granted police protection w.e.f. 02.06.2011.

4. The petitioner received notice dated 13.06.2011 from Incharge Senior Police Inspector, Nizampura Police Station, Bhiwandi, directing her to deposit an amount of Rs.65,636/- towards charges of police protection provided to her during the period from 02.06.2011 to 12.06.2011. At that time, petitioner realized that the protection granted to her was subject to payment of charges. The petitioner, therefore, filed an application dated 16.06.2011 and informed the Senior Police Inspector, Nizampura Police Station to withdraw the police protection as she is not in position to pay the charges for the same.

5. Despite request of the petitioner, police protection was further continued till 06.07.2011 and subsequently it was withdrawn. Thereafter the impugned notice is issued directing the petitioner to deposit an amount of Rs.1,60,654/- towards charges of police protection.

6. Learned counsel for the petitioner contends that the petitioner is ready and willing to deposit the charges of police protection granted to her for the period from 02.06.2011 to 15.06.2011 i.e. for the period of 14

days. He further submitted that since the petitioner informed that she is not in position to pay the charges, she cannot be made liable to pay the charges for the period subsequent to 16.06.2011.

7. The learned APP, on instructions submits to the orders of this Bench.

8. Having considered the rival submissions, we are of the opinion that the petitioner was not aware of the fact that police protection granted to her was subject to payment of charges. For the first time she was made known for depositing the charges on 13.06.2011, she immediately moved Senior Inspector of Police, Nizampura Police Station, Bhiwandi, on 13.6.2011, requesting him to withdraw the police protection as she is not able to pay the charges. Despite this police protection was continued. In our view, the petitioner should not be made liable for the charges for the period subsequent to 15.06.2016. We, dispose of this petition by passing following order.

Order

- I) The impugned notice dated 01.11.2014 is modified as under.
- II) The Police Commissioner, Thane is directed to calculate the charges of police protection granted to petitioner during the period from 02.06.2011 to 15.06.2011 as per rules and policy and recover the same.

III) It is made clear that the petitioner would not be held liable for the payment of charges towards police protection for the period subsequent to 16.06.2011 .

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE,J.]