

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3972 OF 2016**

Smt. Shadan Bhupendra Choudhari	..Petitioner
Vs.	
The Superintendent of Police	
Pune Gramin Police Station, Pune & Ors	..Respondents

Mr. K. U. Nikam for the Petitioner
Mrs. S. D. Shinde APP for the Respondent-State

**CORAM :R. M. SAVANT, &
SANDEEP K. SHINDE, JJ**
DATE : 11th SEPTEMBER, 2017

P.C.

1 The demand made by the Respondents against the Petitioner for providing police protection to the Petitioner is taken exception to by way of the above Criminal Writ Petition. Pursuant to the said demand, the impugned notice dated 22-9-2016 came to be issued by the Respondents. The said police protection was provided to the Petitioner who is a Councillor of the Lonavala Municipal Council, for the period 1-8-2010 to 6-12-2013 which is the disputed period and for which period the Petitioner is liable to make payment to the Respondents. It seems that for the initial period of about 17 months i.e. from 26-5-2009 to 7-10-2010, the said police protection was given free of charge. The said demand is challenged by the Petitioner on the ground that the Petitioner had never asked for police protection and it is the Respondents who have unilaterally provided the same. It is therefore the case of the Petitioner

that the Petitioner is not liable to pay either the charges or interest thereon.

2 The Learned APP draws our attention to the letters addressed to the Petitioner being letter dated 17-10-2010 informing the Petitioner of the charges which are required to be paid. The said letter has been received by the Petitioner as can be seen from the endorsement thereon. The next letter is the letter dated 26-10-2010 wherein again the Petitioner has been informed of the charges payable and on which letter also there is an endorsement of the Petitioner of having received the same. The last letter is the letter dated 17-9-2011 to the same effect which letter has also been received by the Petitioner and in which letter the outstanding amount as on the said date is in the sum of Rs.3,72,911/-. The Petitioner as indicated above has been served with the notice dated 22-09-2016 where in the amount outstanding shown as on date is Rs.9,70,270/- without interest.

3 Per contra the Learned Counsel for the Petitioner Mr. Nikam relies upon the letter dated 4-10-2011 addressed to the Superintendent of Police, Pune Rural, wherein it is stated by the Petitioner that payment of the charges for protection is beyond her financial capacity and that the police may therefore take appropriate decision. The next letter is the letter dated 2-3-2012 wherein the Petitioner has thanked the Superintendent of Police, but however, has stated that it is beyond her financial capacity to pay the charges

for police protection. Relying on the said letters and on the basis of the aforesaid letters that it is the case of the Petitioner that she is not liable to pay for the police protection.

4 It is not possible for this Court in its Writ Jurisdiction to adjudicate upon the case of the Petitioner as to whether the Petitioner had sought police protection or the same was unilaterally given to her. However, it would be open for the Petitioner to make a representation to the Superintendent of Police Pune Rural by relying upon the letters written by her and by dealing with the letters which have been addressed to her by the Respondents to which a reference has been made in the instant order. If any such representation is made within two weeks from date, the Superintendent of Police Pune Rural, is directed to consider the same and decide the same latest within 4 weeks thereafter by passing a speaking order either for accepting the case of the Petitioner or rejecting the case of the Petitioner.

5 With the aforesaid directions, the above Criminal Writ Petition is disposed of.

[SANDEEP K. SHINDE, J]

[R.M.SAVANT, J]