

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.574 OF 2017

Sandeep Sunil Kumar

..Petitioner

Versus

State of Maharashtra and others

..Respondents

Mr. Tanveer Nizam a/w Mr. Himanshu Kode and Ms. Ameya Lambhate, Advocate for the Petitioner.

Mr. Ashutosh Kumbhakoni, Advocate General a/w Mr. Shardul Singh and Ms. M. M. Deshmukh, APP for the Respondent – State.

Mr. Hemant Nagrale, Police Commissioner, Navi Mumbai and Mr. Tushar Doshi – Deputy Commissioner of Police, Navi Mumbai – present in Court.

**CORAM : B. R. GAVAI &
SMT. BHARATI H. DANGRE, JJ.
DATE : 27th FEBRUARY, 2018**

PC.

1] The Petitioner has approached this Court with a grievance that the police protection, which was granted to him was abruptly withdrawn.

2] It is the case of the Petitioner that his father was brutally murdered and he is a prime witness in the said trial. It is to be noted that the Mumbai Police Commissionerate itself had recommended that taking into consideration the seriousness of the matter and further that one of the Police officers is accused in the crime, the police protection should be

provided to the Petitioner.

3] When the matter was listed before us on 8th February 2018, we were informed by the learned APP that the Petitioner would be interviewed by the Threats Perception Committee under the Chairmanship of Commissioner of Police, Navi Mumbai. We had directed the matter to be kept on 16th February 2018. However, on 16th February 2018, when the matter was listed before us, we were informed by the learned counsel for the Respondents that though the Petitioner had attended the office of the Police Commissioner, he has refused to meet him. We had requested the learned APP to seek instructions as to when the committee under the Chairmanship of Police Commissioner could hear the Petitioner.

4] Learned APP informed that the committee would give hearing to the Petitioner at 3.30 p.m. itself. As such, we directed the Petitioner to remain present before the committee at 3.30 p.m.

5] When the matter was listed on 21st February 2018, the Petitioner had filed an affidavit alongwith transcription of the dialogue, which took place between the Petitioner and the Police Commissioner and Deputy Commissioner of Police.

6] We had orally instructed learned APP to seek instructions of Commissioner of Police as to whether the dialogue as recorded in the transcription alongwith the affidavit reflects the correct picture or not. We had not passed any written orders.

7] However, when the matter was listed in the today morning, learned APP placed on record a copy of the affidavit filed by Mr. Hemant Nagrale, Commissioner of Police, Navi Mumbai. It is stated in the affidavit that the Petitioner has not placed on record the transcription of the entire conversation, but only part of the conversation. He has also tendered apology in the affidavit. However, we had requested learned APP to hand over a copy of the CD containing recording of the conversation to the Advocate General and requested him to hear the said conversation and assist the Court at 3.00 p.m.

8] Post lunch, Mr. A. A. Kumbhakoni, learned Advocate General appears in the matter. He states that though he finds some part of the conversation to be objectionable to some extent, however, the conversation would reveal that after the Police Commissioner came to know about the orders passed by the Court, he has changed his demeanour.

9] We may remind the officers of the State that their main purpose is to serve the citizens and not to rule them. When any citizen approaches the Senior Officer of the Police Authorities, irrespective of his stature, he is required to be given a due hearing. In any case, since the learned Advocate General states that he has already taken care that the Police Commissioner and the Deputy Commissioner of Police would realize their mistake and not to repeat the same hereinafter, we do not propose to proceed hereinafter. The apology tendered in the affidavit is accepted.

10] Mr. A. A. Kumbhakoni, learned Advocate General on instructions of the Commissioner of Police – Mr. Hemant Nagrale and Mr. Tushar Doshi - Deputy Commissioner of Police, who are present in the Court makes a statement that until conclusion of the trial, the police protection to the Petitioner shall continue free of costs.

11] The Petition is disposed of by taking on record the statement and affidavit.

[SMT. BHARATI H. DANGRE, J.]

[B. R. GAVAI, J.]