

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

CRIMINAL WRIT PETITION NO.1300 OF 2019

Raju Laxman Pachhapure

..Petitioner

V/s.

The State of Maharashtra & Ors.

..Respondents

Mr.A.G. Damle, Senior Advocate I/b Mr.R.R. Langekar for the
Petitioner.

Mr.F.R. Shaikh, APP for the Respondent-State.

**CORAM : RANJIT MORE &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 26th MARCH 2019

P.C.

1. Heard Mr.Damle, learned senior counsel for the
petitioner and Mr.Shaikh, learned APP for the Respondent-State.

2. By this petition, the petitioner is seeking writ of
mandamus to quash and set aside the communication dated
28.02.2019 issued by PI District Special Branch Kolhapur. By the
said Communication, the Police Protection granted to the petitioner
was withdrawn. The petitioner is also seeking direction to the
respondent to provide round the clock free Police Protection by

giving Armed Police Officer/s for his protection.

3. The learned senior counsel Shri.Damle submit that the petitioner is in the business of manufacturing of Pan-Masala and he has filed several complaints under the Anti Corruption Act against the public servants, including the Police Officers, and in some complaints, the accused are convicted. This is resulting in threats to his life. The learned senior counsel submits that under the interim order dated 14.07.2014 passed in Writ Petition No.2385 of 2014, ad-interim relief was granted, whereby directing the respondents to provide free police protection to the petitioner. This petition came to be disposed of with liberty to the petitioner to make an application for being provided with police protection to the appropriate authority. The contention of the petitioner is that the said police protection continued till 28.02.2019 till the impugned communication was received.

It appears that the petitioner made an application in terms of directions issued by this Court and the same was taken for consideration by the Committee comprising of Police Superintendent, Deputy Police Superintendent-Headquarter, Police Inspector-Local Crime, Police Inspector-District Special Branch. The Committee having taken inputs from all concerned, has come to the

conclusion that there is no threat perception to the petitioner and accordingly took decision which was communicated under the impugned communication.

4. Mr. Shaikh, learned APP points out that there are 10 CR's registered against the petitioner. The petitioner is also in possession of armed license and therefore, he submits that the impugned decision was correct to withdraw the police protection from the petitioner.

5. We have considered the rival submissions and we have gone through the impugned communication as well as minutes of the meeting of the said Committee dated 03.02.2019. The petitioner does not dispute that he possess licensed Revolver. There is also no dispute that 10 cases were registered against the petitioner. Out of these, in six cases he has been discharged. The fact remains that the four cases are still pending against the petitioner. The Committee has recorded a finding that the police protection granted to the petitioner need not be continued as there is no threat perception and that the petitioner is indulging into activities which dis-entitle him to such a protection. More soever it also burden the public exchequer and therefore the Police

Protection granted in favour of the petitioner stands withdrawn.

6. Mr.Damle, the learned counsel for the petitioner states that the petitioner is ready and willing to take police protection at his own cost. However, we are of the opinion that the police protection cannot be claimed by any individual as a matter of right and specially when the Committee has recorded that there is no threat perception, we find that the decision of the Committee is in consonance with the policy of the State Government as contained in resolution dated 04.01.2018. Further, in exercise of writ jurisdiction, it is not permissible for us to substitute the opinion of the expert Committee particularly when we do not find any perversity in the impugned decision. Therefore, we are not inclined to entertain the petition and the same is dismissed.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)