

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION (WP) NO. 906/2019

Rajesh Hiralal Bharti

..VS..

State of Maharashtra and anr.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P. S. Patil, Advocate for the petitioner
Shri C. A. Lokhande, APP for the respondents

CORAM : Z. A. HAQ & M. G. GIRATKAR, JJ.

DATED : 06/12/2019

Heard.

The grievance of the petitioner is that at the time of every election, whether general or local body, the respondents are calling upon the petitioner to surrender his weapon during the period of election and this is being done without compliance of the directions given by this Court in the judgment delivered in Criminal Writ Petition No.835/2009 (Govind @ Bhai Ganesh Tilve Vs. Vikram Kumar and ors.) on 30.06.2009. Learned Advocate for the petitioner has also invited our attention to the order passed by this Court in Criminal Writ Petition No. 274/2014 (Sangram Udaysingh Rajurkar Vs. The District Magistrate, Akola and others) on 16.06.2014.

At present, the petitioner has not received any notice from the respondents, calling upon the petitioner to surrender his weapon. However, the petitioner apprehends

that as elections for Zilla Parishads are declared, such notice would be issued and the petitioner would be called upon to surrender his weapon immediately.

As the petitioner has not yet received notice calling upon to surrender his weapon, we are not inclined to entertain the petition at this stage. However, we have also noticed that in some cases, the respondents - Police Authorities are acting in breach of the directions given in the above referred judgment and order. Hence, the Office of Public Prosecutor is directed to send a copy of the judgment delivered in Criminal Writ Petition No. 835/2009 and copy of order passed in Criminal Writ Petition No. 274/2014 to the Commissioners / Superintendents of Police in Vidarbha Region pointing out that, if any action is taken by them in breach of the directions given by this Court in the above referred judgment and order, proceedings for committing contempt would be initiated against them. The communication shall be issued by the Office of the Public Prosecutor immediately.

With the above observations, the petition is **disposed.**

JUDGE

JUDGE