

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

CRIMINAL APPLICATION (ABA) NO.615 OF 2020

(Bhanu s/o Premlal Kanojiya Vs. State of Maharashtra thr. PSO PS Juni Kamptee,
Dist. Nagpur)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. Prakash Jaiswal, Advocate for Applicant.
Mrs. S.S. Jachak, APP for Non-Applciant/State.

CORAM: ROHIT B. DEO, J.
DATE: 29th OCTOBER, 2020.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

2] Heard.

3] The applicant is seeking pre-arrest protection in connection with Crime 396/2020 registered with the Police Station Juni Kamptee, District Nagpur for offences punishable under section 353, 332, 427 read with section 34 of the Indian Penal Code.

4] The report is lodged by Mr. Deepak Thakare, Section Engineer, Cantonment Board, on 29.08.2020.

5] The gist of the report is that on 29.08.2020, one

Maheshkumar Singh, who is a colleague, telephonically informed Mr. Deepak Thakare that a locality at Gora Bazar is flooded with Kanhan river water and therefore, Mr. Deepak Thakare (informant) ought to inspect the spot. Mr. Deepak Thakare left for the spot in his private vehicle and reached Gora Bazar area along with colleague Mr. Bhushan Kadwe. While inspecting the spot, Yugchand Challani and Ashish Challani started inciting the public. The applicant started arguing with the informant and his colleague. Since the inspection work was being obstructed, the informant's colleague Mr. Bhushan Kadwe started taking photographs with mobile. Since the applicant and his colleague were not permitted to discharge their duty, they boarded the private car. While proceeding, the applicant picked up a stone and broke the front mirror of the car. The applicant then broke the left window of the car. When the informant disembarked from the car, the applicant slapped him. The spectacles of the informant broke. The broken glass of the car also injured the colleague of the informant.

6] Mr. Prakash Jaiswal makes a solitary submission, which if accepted, would be destructive of the rule of law. The submission is, that the officials were not discharging their duty effectively and that the arrogant attitude of the officials generated a public anger leading to the assault on the public servant and stone pelting.

7] In essence, the learned counsel Mr. Prakash Jaiswal is virtually justifying the assault and damage to the car. It would not be necessary to consider the submission any further. As is observed, if a person is permitted to take law in his hands, even if it is assumed that the perception is that the public servant is not discharging duty effectively, the net result would be chaos and total destruction of the rule of law.

8] The application is dismissed.

JUDGE