

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**926 CRIMINAL APPLICATION NO.2724 OF 2021
IN
CRIMINAL WRIT PETITION NO.1052 OF 2020**

ADIVASI PANTHER KAMGAR SANGHATNA MAHARASHTRA STATE,
THOUGH ITS PRESIDENT PRASHANT MAHADEORAO BODAKHE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Ms. Neha B. Kamble Advocate for Applicant.
Mr.K.S. Patil, A.P.P. for Resp. Nos. 1 to 5.
Mr.U.B. Gite Advocate for Resp. No.8.
Mr.Suvidh S. Kulkarni Advocate for Resp. Nos. 9 & 10.
Mr.R.M. Shaikh Advocate for Resp. No.12.
Mr.S.A. Deshmukh Advocate for Resp. Nos.19 to 23.
Mr.N.S. Muthiyan Advocate for Resp. No.24.

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**CORAM: V.K. JADHAV AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 7th DECEMBER, 2021

ORDER :

1. Heard both the sides. This Court (Coram: Ravindra V. Ghuge and B.U. Debadwar, JJ.) by order dated 26th April 2021 in Criminal Writ Petition No. 107 of 2020 filed by the present applicant in the capacity as President of Adivasi Panther Kamgar Sanghatana, in Para 16, observed thus:

"16. We also find that this petitioner is filing petitions under the aegis of Adivasi Panther Kamgar Sanghatna in relation to such causes of action which would not be within the realm of the objects set out in the constitution of the

Adivasi Panther Kamgar Sanghatna. As such, the Registry of this Court is directed to scrutinize every writ petition filed by Adivasi Panther Kamgar Sanghatna as regards whether it pertains to any cause of action of any member of it's Union vis-a-vis the employment service conditions of the members and the employer with whom such employees are in employment, since the Trade Unions Act, 1926 does not permit this Union to transgress the parameters of it's Constitution and is precluded from taking up causes on behalf of the public at large. The Registry shall accordingly make it's noting on the objections sheet. No petition beyond the scope of the Constitution of this Union, shall be entertained, at the behest of such Union, unless it takes up a cause for it's members in relation to their employment."

2. In the instant writ petition, the Petitioner is seeking direction for registration of the crime and as such it has no concern with the said Adivasi Panther Kamgar Sanghatana. Applicant has filed the writ petition in his individual capacity for seeking direction for registration of the crime. The other side has no objection if the application is allowed in terms of its prayer clauses.

3. In view of the above and in terms of the order passed by this Court referred as above, the Application is allowed in terms of prayer clause "(B)".

4. List the main Petition on 11th January 2022.

[SANDIPKUMAR C. MORE]
JUDGE

[V.K. JADHAV]
JUDGE