

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

CRIMINAL WRIT PETITION NO.867 OF 2017

Jankesh s/o Govardhan Sonawale

...Versus...

State of Maharashtra through PSO Police Station, Ranapratapnagar, Nagpur
and others

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

Court's or Judge's orders

Mr. N. S. Khandewale and Sanket A. Puranik, Advocates for petitioner.
Mr. S. M. Ukey, APP for respondent nos. 1 to 3.
Mr. R. S. Kurekar, Advocate for respondent no.5

CORAM : MRS. SWAPNA JOSHI AND
AVINASH G. GHAROTE, JJ.

DATE : 17/08/2021

Heard Mr. Khandewale, learned counsel for the petitioner, learned APP Mr. Ukey for respondent nos.1 to 3 and Mr Kurekar, learned counsel for respondent no.5.

2. All the parties are agreeable that, the matter is required to be given hiatus. By an interim order dated 10/10/2019, this Court has directed Rs. 10,00,000/- (Rs. Ten Lakhs) be given to the petitioner as provisional compensation, which amount has been paid to the petitioner. In addition to the same, the petitioner has also been placed in possession of tenanted premises, by virtue of the order dated 10.10.2019. Mr. M. N. Gilani, Retired Judge of this

Court, was requested to conduct the enquiry against the respondent no.5. His report, dated 23.12.2020 has been submitted to the Commissioner of Police in pursuance to which, a compliance report has been placed on record dated 26.02.2021, whereby a major penalty, of reduction in rank of the respondent no.5, from API to PSI for a period of one year has been imposed.

3. Mr. Khandawale, learned counsel for the petitioner, is agreeable that this constitutes sufficient redress of his grievance, in case the provisional compensation is made the final. Since the position complained of regarding the forcible eviction of the petitioner on the tenanted premises by the landlord with the help and assistance of respondent no.5, has been redressed by restoring possession of the tenanted premises to the petitioner, we are of the considered opinion that the matter can be finally disposed of.

4. In this view of the matter, the provisional compensation of Rs.10,00,000/-(Rs. Ten Lakhs), paid to the petitioner under the order dated 10/10/2019, is made final, which the petitioner shall be entitled to retain and appropriate for his own use. The petitioner, shall also be entitled to protection of the possession of tenanted premises, unless otherwise, evicted by due process of law, and in view of the punishment imposed by the Commissioner of Police,

Nagpur, upon respondent no.5, considering the situation, being adequate the petition is accordingly disposed of.

JUDGE

JUDGE

Sarkate