

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

INTERIM APPLICATION NO. 1009 OF 2021

IN

WRIT PETITION NO. 411 OF 2021

Hemant Sudhakar Wani and anr.Applicants

In the matter of

Anant Thanur KarmusePetitioner

Versus

The State of Maharashtra and ors.Respondents

Mr. Prasad K. Dhakephalkar, Senior Advocate with Mr. Tushar Sonawane, Advocate for the Advocate for the Applicants.

Mr. Subhash Jha along with Mr. Nilesh Tribhuvan, Mr. Hare Krishna Mishra, Mr. Ghanshyam Upadhyay, Mr. Burzin Bharucha, Mr. Mukesh Gupta, Mr. Dhruv Gupta, Mr. Sanjay Rego, Mr. D. Dubey, Mr. Darshik Vasani i/b. Mr. Anirudh Ganu and Mayur Patel, Advocates for the Petitioner.

Mr. Ashutosh A. Kumbhakoni, AG along with Mr. Manoj Badgujar, Advocate and Mrs. Aruna S. Pai, PP for the State – Respondent No.1.

Mr. Amit Desai, Senior Advocate along with Mr. J. P. Yagnik, APP for Respondent No.3.

**CORAM : PRASANNA B. VARALE &
S. M. MODAK, JJ.**

DATE : 26th APRIL, 2022.

P.C. :

1. Heard.

2. It is submitted by Mr. Dhakephalkar, learned senior counsel for the applicants that the above petition viz. writ petition No.411 of 2021 is filed at the instance of one Anant Thanur Karmuse who is complainant in FIR being Crime No.120 of 2020 registered with Vartak Nagar Police Station, Thane on 6th April, 2020. In the said petition, the petitioner prayed for transfer of investigation not only in Crime No.120 of 2020 but

also investigation in FIR being Crime No.119 of 2020 registered with Vartak Nagar Police Station, Thane. It is submitted that in Crime No.119 of 2020 registered with Vartak Nagar, the present applicant No.1 – Hemant Sudhakar Wani is the first informant/complainant and the petitioner – Anant Thanur Karmuse is the accused. Crime No.119 of 2020 is registered against the accused for the offence punishable under Section 292 of the the Indian Penal Code, 1860 and Section 66E of the Information Technology Act, 2000. It is submitted that the applicants are active party workers of one political party viz.Nationalist Congress Party and the petitioner – Anant Thanur Karmuse had published certain defamatory material lowering the dignity of the Hon'ble Cabinet Minister of the State – Shri Jitendra Awhad and as such, the complaint was lodged at the instance of applicant No.1 and the same was registered as Crime No.119 of 2020. It is submitted that the petitioner – Anant Thanur Karmuse is the Regional Head of one political organisation viz. Shivpratishtan, Thane. It is submitted that the said organisation carries hostile approach against the Hon'ble Minister – Shri Jitendra Awhad. It is then submitted that the petitioner – Anant Thanur Karmuse without adding applicant No.1, who is the complainant in Crime No.119 of 2020, prayed for transfer of investigation of both crimes viz. Crime No.119 of 2020 and Crime No.120 of 2020. It is submitted that, in case, any order is passed by this Court in the petition filed at the instance of Anant Thanur Karmuse without hearing the applicants, the same would cause serious

prejudice to the applicants. Thus, it would be necessary in the interest of justice to grant an opportunity of hearing to the applicants and accordingly, the applicants prayed for allowing the application in terms of prayer clause (ii).

2. In view of the submissions of Mr. Dhakephalkar, learned senior counsel appearing on behalf of the applicants and for the reasons stated in the application, the application is allowed in terms of prayer clause (ii). The application is, accordingly, disposed of.

3. Accordingly, necessary amendment be carried out within one week from today.

S. M. MODAK, J.)

(PRASANNA B. VARALE, J.)