

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

CRIMINAL APPLICATION (APP) NO.21 OF 2022  
IN CRIMINAL APPLICATION (APPW) NO.2 OF 2022  
IN CRIMINAL WRIT PETITION NO.544 OF 2005

(Shri Chandrashekhar s/o Gulab Puri vs. State of Maharashtra and others)

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

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Shri I.J. Damle, Additional Public Prosecutor for  
respondent nos.1 to 5.

Shri S.M. Puranik, Advocate for respondent no.6.

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CORAM : SUNIL B. SHUKRE AND  
G.A. SANAP, JJ.

DATED : JUNE 15, 2022

Heard Shri Damle, learned Additional  
Public Prosecutor for the respondent nos.1 to 5, and  
Shri Puranik, learned Counsel for the respondent  
no.6. Nobody is present for the applicant. The  
applicant is also absent.

2)        The criminal writ petition filed by the  
applicant being Criminal Writ Petition No.544/2005  
came to be dismissed in default on 19/4/2018. The  
applicant is seeking condonation of delay occurred in  
filing restoration application. In order that this  
application could be considered and appropriate  
order is passed, it is necessary for us to go into the  
history of this case.

3)        It is seen from the criminal writ petition  
filed by the applicant way back in the year 2005 that

the applicant/original petitioner had questioned the notice issued to him under Section 107 of the Code of Criminal Procedure calling upon him as to why preventive action be not taken against him for his activities relating to disturbance of peace and/or law and order. The activities of the applicant in respect of which notice under Section 107 of the Code of Criminal Procedure calling upon him to furnish security for keeping peace was issued, pertain to the year 2005. In the year 2022, any notice issued under Section 107 (Chapter VIII) of the Code of Criminal Procedure would have to be considered as stale, ineffective and even infructuous. Whatever may be the activities of the applicant in the year 2005, they cannot be considered to be relevant today for achieving the object for which preventive action can be taken by the Police in pursuance of its powers under Chapter VIII of the Code of Criminal Procedure. Therefore, even if these applications are allowed and petition is directed to be revived, it would not serve any purpose in the matter. With this view in mind, we dismiss the application seeking condonation of delay. It then follows that the application seeking restoration of the criminal writ petition also stands disposed of accordingly.