



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

8 CRIMINAL PUBLIC INTEREST LITIGATION NO.4 OF 2023

**DEVIDAS RANGNATH SHELKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Mr.Devidas Rangnath Shelke, Petitioner, Party-in-person
Mr.D.R.Kale, PP for Respondents

...
**CORAM : SMT. VIBHA KANKANWADI &
ABHAY S. WAGHWASE, JJ.**

DATE : 20 SEPTEMBER, 2023

PER COURT :-

1. Heard petitioner party-in-person as well as learned Public Prosecutor, who represents all the respondents.
2. Respondent nos.6 and 7 are not necessary parties separately when they are already included in respondent no.1. Party-in-person therefore agrees to delete respondent nos.6 and 7. Amendment to be carried out forthwith.
3. The present Public Interest Litigation (PIL) has been filed for issuing writ of mandamus with directions to the respondents to lodge FIR against the Police Officials, who actually ordered the *lathicharge*

and those Police personnel, who actually resorted to merciless *lathicharge* on the agitators of Antarwaali Sarati village, Taluka Ambad, District Jalna on 01-09-2023. The second prayer is to make enquiry into the incident that too a judicial enquiry headed by the Hon'ble retired High Court Judge. The third prayers is to suspend the erring Police Officers, who indulged themselves into the merciless beating and the fourth prayer is to direct the State Government to compensate the agitators, who got injured in the Police attack.

4. Alongwith the petition, certain photographs and the paper cuttings have been annexed. Petitioner also relies on his communication to the Hon'ble the Chief Minister and the Home Secretary with almost the same prayers. The communication is dated 02-09-2023.

5. Upon enquiry, the party-in-person says that he has not visited the place of agitation even uptill now but he had spoken to 2-3 News Reporters including the News Reporter, who was present when the incident took place. He also submits that he had talked to two injured persons, who were brought to Aurangabad for treatment. Thereupon, he has prepared the petition. Upon further enquiry, he

submits that those two injured persons were not ready to be the petitioners when he asked them. He submits that, may be they are having some fear in their mind. However, the fact is coming on record that on their own, the injured persons have not come before this Court.

6. Before a PIL is filed, there has to be research and when infact the party-in-person himself, being an Advocate, he was supposed to make some concrete research before the petition would have been drafted. When he seeks judicial enquiry and also lodging of FIR, then there has to be proper documentation and some news that has been published in the newspaper will not be sufficient. Further, those newspapers would show that the State Government has taken certain action.

7. Learned Public Prosecutor submits that the State Government has suspended certain Police Officers and if this is the fact, then prayer clause 'C' has been taken care of. However, even as per the submission of learned Public Prosecutor, the enquiry into the incident has not been called off by the State Government and that is still going on.

8. Under the said circumstance, research ought to have been done by the party-in-person, which is also mandatory as per the Rules of this Court.

9. Learned Public Prosecutor is pointing out the order passed by the Division Bench of this Court led by the Hon'ble Chief Justice of this Court in PIL No.57 of 2023, which is in respect of the same incident wherein the learned Advocate General, who was present, made a statement that the State Authorities will take appropriate action which may be warranted under the law and it will not be restricted to only maintenance of peace and tranquility and law and order, but also to take care of well being of all. It appears that the said PIL has been posted on 11-10-2023. Of-course, that PIL appears to be on civil side and this is on criminal side.

10. As we have come to the conclusion that petition is not based on proper research, the party-in-person submits that he would make research and then come before the Court. He seeks liberty to that extent and prays for allowing him to withdraw this petition.

11. Taking into consideration the serious incident that had taken place, definitely there has to be representation by the public, but we feel that it should be based on proper research and therefore, we permit the party-in-person to withdraw the petition with liberty as prayed, if he makes proper research and adheres to the Rules framed by this Court. With this liberty the petition stands disposed of as withdrawn.

(ABHAY S. WAGHWASE)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE

SPT