

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

CRIMINAL WRIT PETITION NO. 2117 OF 2019

Ketan Dilipsingh Raghuwanshi

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.M. Kulkarni, Advocate for petitioner

Mr. A.V. Deshmukh, A.P.P. for respondents

....

**CORAM : SMT. ANUJA PRABHUDESSAI AND
R.M. JOSHI, JJ.**

DATE : 11th JANUARY, 2023

PER COURT :

1. The petitioner herein has invoked writ jurisdiction of this Court under Article 226 of the Constitution of India to investigate the role of the police authorities working under Respondent No.3 in harassing the petitioner and to initiate Departmental Enquiry against the police authority.

2. Heard learned counsel for the petitioner and learned A.P.P. for the respondents. Perused the records and considered the submissions advanced by learned counsel for the respective parties.

3. The grievance of the petitioner is that he was placed under arrest under Section 151 Code of Criminal Procedure just before Hon'ble Supreme Court's decision on *Shri Ram Janma Bhumi* case. The petitioner claims that he has been unnecessarily targeted.

4. The record produced by learned A.P.P. indicates that the State Government had issued several instructions as preventive measures before the decision of Hon'ble Supreme Court in *Shri Ram Janma Bhumi* case. It is to be noted that despite the said instructions, the petitioner had posted several Whats-App messages to flout the instructions and gather in large number with firecrackers and *gulal*. Undisputedly, the petitioner has criminal antecedents. The crimes registered against him are of serious nature. Considering the criminal antecedents of the petitioner as well as his conduct during the said period, the authority apprehended that the petitioner would commit a cognizable offence designed to disturb communal harmony and hence detained the petitioner during the period the judgment in *Shri Ram Janma Bhumi* case was to be pronounced. The action of the police was to maintain law and order. The petitioner was produced before the Magistrate and he had no complaints against the police about the treatment meted out to him while in custody

5. In these circumstances, we do not find any reason to entertain the petition. Hence, criminal writ petition is dismissed.

(R.M. JOSHI, J.)

(SMT. ANUJA PRABHUDESSAI, J.)

SSD