



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

902 CRIMINAL WRIT PETITION NO. 743 OF 2024

**ATMARAM SAMBHAJIRAO SAWRATE AND OTHTERS
VERSUS
THE DISTRICT MAGISTRATE I.E. COLLECTOR AND OTHERS**

...

**Advocate for Petitioner : Mr. Tope Sambhaji Subhashrao
h/f. Mr. Pawar Vaibhav U.
GP for Respondents : Mr. A.B. Girase**

AND

903 CRIMINAL WRIT PETITION NO. 745 OF 2024

**RAMRAO KISANRAO SHINDE
VERSUS
THE DISTRICT MAGISTRATE (COLLECTOR)**

...

**Advocate for Petitioner : Mr. Salunke Sudarshan J.
GP for Respondents : Mr. A.B. Girase**

AND

929 CRIMINAL WRIT PETITION NO. 739 OF 2024

**NARESH UDDHAVRAO JOGDAND AND ANOTHER
VERSUS
THE DISTRICT MAGISTRATE I.E. COLLECTOR**

...

**Advocate for Petitioner : Mr. Tope Sambhaji Subhashrao
h/f. Mr. Pawar Vaibhav U.
GP for Respondents : Mr. A.B. Girase**

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 19 APRIL 2024

PER COURT :

Heard both the sides.

2. By way of these separate writ petitions, the petitioners are challenging the notices purportedly issued under Section 149 of Code of Criminal Procedure by the concerned police, in response to their request seeking permission to conduct meeting to be addressed by Shri Manoj Jarange Patil at three different places within the District, at Palam, Taluka Palam, District Parbhani, Alegaon, Taluka Purna, District Parbhani, and Gour, Taluka Purna, District Parbhani, to be held tomorrow. The permission has been refused in the wake of Model Code of Conduct in force pursuant to the notification dated 16 March 2024, issued in view of the Lok Sabha elections.

3. In similar set of facts and circumstances, after considering the similar stand of the respective parties, we had occasion to consider the case in Criminal Writ Petition No. 539 of 2024. By the order dated 20 March 2024, a similar action under Section 149 of Code of Criminal Procedure, in view of the order issued by the District Magistrate under Section 144 of Cr.PC. which in turn was referring to the Model Code of Conduct in view of Lok Sabha Election, was considered and for the reasons recorded

therein, we had quashed and set aside similar notice under Section 149 of Cr.P.C. and had directed the concerned Police Inspector of the concerned Police Station to grant permission by imposing appropriate conditions and further directing the petitioner to ensure that no appeal was made to the citizenry to prevent entry of any people's representative in any village and not to make any provocative speech which would have potential to lead to communal disharmony.

4. In our considered view, for the self same reasons as recorded in the order a similar view deserves to be taken even in the present matters.

5. For the reasons we have recorded while deciding the Writ Petition No. 539 of 2024, these writ petitions are allowed.

6. Impugned notices issued under Section 149 of Cr.P.C. are quashed and set aside. The respondent no. 3 in each of these petitions is directed to grant permission to the petitioners by imposing necessary conditions as may be deemed fit and appropriate, by passing fresh order immediately.

7. The petitioners shall ensure that no appeal is made in the meetings to prevent entry of any of the candidates in the elections or the people's representatives entering into the village and further ensuring that no provocative speeches are delivered, having potential to lead to communal disharmony.

8. The order is dictated in open Court and all the parties shall act without waiting for even an authenticated copy since all the learned Advocates for the petitioners as also learned Government Pleader is present.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]