

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

901 CRIMINAL WRIT PETITION NO.1827 OF 2024

Sandesh Vikram Hange

..Petitioner

Versus

The State of Maharashtra and Others

..Respondents

.....

Shri. K.N. Shermale, Advocate for the Petitioner

Shri. S. D. Ghayal, Addl. P. P for the State

Shri. Rajendra S. Deshmukh, Senior Counsel h/f. Shri. Devang Deshmukh and Shri. Kunal Chavan, Advocate for Applicant / Intervenor in Crim. Appln No.4452 of 2024.

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WITH

CRIMINAL APPLICATION NO.4452 OF 2024

IN

CRIMINAL WRIT PETITION NO.1827 OF 2024.

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CORAM : R. G. AVACHAT AND
NEERAJ P. DHOTE, JJ.

Dated : OCTOBER 25, 2024

PER COURT :-

. Having heard the learned Advocate for the Petitioner, the learned Senior Counsel for the Intervenor and the learned Addl. P.P for the State, we found that the directions have been issued by the Division Bench of this Court in the case of **Criminal Writ Petition No.835 of 2009, Govind @ Bhai Ganesh Tilve vs. Vikram Kumar, District Magistrate and Others** decided on 30.06.2009. The order impugned herein directing the Petitioner to deposit his firearm for a certain period i.e. from onset of Election Code of Conduct until a particular date post the election

results are declared, has been passed in compliance thereof. The issue herein is of temporary in nature. It has been informed that, all those, who hold such firearms, have also been directed to surrender those firearms with the respective police stations. After considering the directions of this Court in the Division Bench Judgment referred to hereinabove, the concerned Committee has passed the said order and it was necessary to be passed in view of ensuing legislative assembly elections. In the aforesaid factual backdrop, we do not wish to interfere with the impugned order.

2. It appears that there is a family dispute. The intervenor is a sister of the Petitioner. The record indicates that there is a matrimonial dispute between her (intervenor) and her husband. Their daughter has temporarily been given to the custody of the petitioner herein. In that regard the competent Civil Court will decide the matter as early as possible.

3. The learned Advocate for the petitioner apprehends that, the firearm license of the petitioner is likely to be canceled forever. It is a mere apprehension and for that purpose, there are provisions under the Arms Act and if the licence has already been granted, the petitioner may be heard before the same is cancelled. In that regard Law will take its own course.

4. From the heated arguments that took place before us, it appears that, all is not well between the parties. The concerned officer i.e. Shri. Ranjeet Jagannath Patil, ACP, Osmanpura Division and Shri. Shivaji A. Tavare, P.I., Mukundwadi Police Station are present before us. We therefore request them, if both the parties, may be the petitioner or his sister (intervenor) make an application and ready to bear the necessary expenses, they shall be provided with one armed constable as a police protection during the period, during which the petitioner has been directed to deposit the firearm until his firearm is returned to him.

5. In view of the above, the Petition stands disposed of.

6. In view of disposal of the petition, nothing survives for consideration in the Criminal Application and the same stands disposed of.

7. Authenticated copy of this Order be provided to the parties to act upon.

(NEERAJ P. DHOTE, J.)

(R. G. AVACHAT, J.)

GGP