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1055criapln4496.23

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1055 CRIMINAL APPLICATION NO. 4496 OF 2023

RATAN ANAND KAMBLE

....Applicant

VERSUS

THE STATE OF MAHARASHTRA

.....Respondents

Mr. R. C. Bramhankar, Advocate for the applicant

Mr. G. A. Kulkarni, APP for the respondents/State

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

DATE : 17th JANUARY, 2024

P. C.

1. Head both the sides finally.
2. The petitioner is seeking quashing of Crime No. 0249/2021 registered with Krantichowk Police Station, Dist. Aurangabad for the offences punishable under Sections 188 & 269 of the Indian Penal Code consequent Charge-sheet No. 231/2021 and SCC No. 10948/2021.

3. The petitioner who alongwith in other individuals were found roaming after notification issued by learned Commissioner dated 05-04-2021 preventing gathering of people in the Covid Pandemic popularly called as lock-down. Except alleging that the petitioner was wandering without wearing any mask and without there being any other act attributed to him or to any of the other co-accused, in our considered view it would not be proper to allow him to face the prosecution.

4. It would be apt to refer to the decision of the Government dated 20-09-2022 whereby it has laid down modalities and procedure to be followed for withdrawing the prosecutions launched during the lock-down period wherein the accused have been implicated in connection with crime under Sections 188, 269, 270, 271 of IPC. It also lays down inter alia that the prosecutions are to be withdrawn in respect of the matters where the damage property of public or private is not more than Rs.50,000/-.

5. Admittedly, the petitioner has not been attributed with the damage to the public or private property. Hence, the criminal application is allowed. The Crime No. 0249/2021 registered with Krantichowk Police Station, Dist. Aurangabad for the offences punishable under Sections 188 & 269 of the Indian Penal Code consequent Charge-sheet No. 231/2021 and SCC No. 10948/2021 are quashed and set aside.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

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