

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

***CRIMINAL WRIT PETITION NO. 1492 OF 2017
WITH
CRIMINAL APPLICATION (APPW) NO. 238 OF 2019***

Tejal Brijesh Gupta Petitioner

Versus

The State Of Maharashtra And Anr. Respondents

Ms. Devyani Kulkarni i/b Mr. Vijay Hiremath, for the Petitioner.

Mrs. P. P. Shinde, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 12th APRIL 2024

P.C. :

1. By this petition, filed in the year 2017, the petitioner has sought the following substantive and certain other reliefs:

(A) For a writ of Mandamus, or any other appropriate writ, order or direction in the nature of Mandamus, directing the Respondent -

- a) *To provide police protection at the States expense to the Petitioner and her sister Radha.*
 - b) *To direct the State of provide a safe place of accommodation to the Petitioner and her sister Radha.*
- (B) *The investigation of the case being CR. NO. 125 of 2017 registered at Govandi Police Station should be transferred to any police station in the jurisdiction of Mumbai as the crime emanated from Mumbai as the husband of the Petitioner was abducted from Wadala.*
- (C) *The Statement of the Petitioner in the investigation of the murder of her husband which has been registered as CR. NO. 125 of 2017 registered at Govandi Police Station, be registered by the Ld. Chief Metropolitan Magistrate, Mumbai in camera.*
- (D) *The trial of the matter in CR. NO. 125 of 2017 registered at Govandi Police Station be conducted by the City Civil & Sessions Court for Greater Bombay at Mumbai.*
2. As far as prayer clauses (B) to (D) and other reliefs are concerned, the same do not survive, since in the interregnum, during the pendency of the aforesaid petition, the trial of the accused

concluded and the accused have been acquitted of the offences, with which they were charged.

3. As far as prayer clause (A) is concerned, the learned Counsel for the petitioner states that police protection was granted to the petitioner, during the pendency of the case, however was withdrawn subsequently after the accused were acquitted.

4. Learned Counsel for the petitioner as well as the learned A.P.P. state that the petitioner had sent a letter dated 4th August 2023, to the concerned authority, stating that she and her sister do not want police protection. Learned Counsel for the petitioner however submits that in the event, there are threats extended to the petitioner, the police should help the petitioner forthwith, in case of emergency.

5. Learned A.P.P. has tendered an affidavit of Ms. Vandana Shivram Mane, Assistant Police Commissioner of Police (P-1), Protection and Security Branch, Mumbai, dated 12th April 2024. In

para No.6 of the said Affidavit, it is stated that after the acquittal of the accused, the petitioner and her sister *vide* letter dated 4th August 2023 informed the Senior Police Inspector, Dahisar Police Station that they do not want any police protection and from 4th August 2023 they have not accepted any police protection nor have they asked for the same.

6. In para No.8 of the Affidavit tendered today, the Assistant Commissioner of Police has set out the mobile phone numbers of four officers, whom can be contacted on their mobile phone numbers, and a landline number of the Protection Control, on which the petitioner can contact, in the event threats are received from any person. The said affidavit is taken on record. Thus, in the event of any apprehension/threat to the petitioner, the police to extend assistance.

8. In view of the aforesaid, nothing survives for further consideration in the petition. The petition stands disposed off.

9. All concerned to act on the authenticated copy of this order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

Digitally
signed by
CHAITANYA
ASHOK
JADHAV
Date:
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