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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2850 OF 2024

Chetan Kamlakar Gaikwad

.....Petitioner

Vs.

The State Of Maharashtra & Anr.

.....Respondents

Mr. Amit S. Rane, for the Petitioner.

Smt. Madhavi H. Mhatre, APP, for Respondent No.1-State.

**CORAM : A. S. GADKARI AND
DR NEELA GOKHALE, JJ.**

DATE : 16th JULY, 2024.

P.C.:-

1) The events occurred in the Court today are not only startling but affect the sanctity of the profession of Advocacy.

1.1) Advocate Mr. Amit Rane appeared for the Petitioner/accused in C.R.No.620 of 2023 registered with Bhandup Police Station, Mumbai under Section 376, 307, 366, 323, 504, 506 and 201 of the Indian Penal Code. He submitted that, the present Petition is filed for quashing of the said crime with the consent of Respondent No.2, the victim.

2) Upon a specific query by this Court to identify the Respondent No.2, firstly Mr. Rane made a gesture toward a lady and submitted that she is the Respondent No.2 and is appearing in Court today and is consenting for quashing of the crime. We therefore asked him who told him that she is the Respondent No.2, to which he did not reply.

2.1) We therefore directed the Respondent No.2 to give necessary information to the learned APP appearing in the case. Respondent No.2 informed the learned APP that, Advocate Mr. Rane himself is appearing for her in the present case. The Respondent No.2 has filed an Affidavit dated 24th April 2024 affirmed before a Notary Public. Upon perusal of the said Affidavit, it is seen that the Respondent No.2 has not been identified by anybody and neither any Advocate has countersigned it as having drafted the said Affidavit.

3) The Advocate for the Petitioner-Accused is also appearing for Respondent No.2-victim. According to us, this is a clear case of misconduct under the Advocate's Act, 1961 and needs to be seriously viewed by the Bar Council. We therefore, direct the Bar Council of Maharashtra and Goa to look into the matter and adopt appropriate measures in that behalf.

4) Learned APP appearing in the Petition is directed to communicate this order to Secretary, Bar Council of Maharashtra and Goa. We expect the report from the Bar Council within a period of two weeks from today.

5) Stand over to 30th July 2024.

(DR NEELA GOKHALE, J.)

(A. S. GADKARI, J.)