

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 5117 OF 2024
IN
WRIT PETITION NO. 3329 OF 2023

Godhumal Narayandas Kishnani and anr .. Applicant

Versus

State of Maharashtra .. Respondent

...

Mr. Subhash Jha with Siddharth Jha, Apeksha Sharma, Ashish Saxena,
Sumeet Upadhyay i/b Law Global Advocates for the applicant.
Mr.J.P. Yagnik, APP for the State.

CORAM :BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ
DATED :16th DECEMBER, 2024

P.C:-

1. On 25/10/2023, Writ Petition filed by the petitioners is admitted.

Upon the attention of the Court being invited to the amount of arrears which were due and payable for the police protection provided to the petitioners, this Court refused the interim relief and conferred liberty on the petitioners to circulate the petition after deposit of the amount with the Government Exchequer.

When we specifically inquired with Mr.Jha, whether this amount has been deposited, his answer is in the negative.

He has however, invited our attention to the Maharashtra Witness Protection and Security Act, 2017, which is enacted with a view to provide protection to the witnesses in criminal trials, their relatives in relation to serious offences and for all matters connected thereto.

The enactment contemplate constitutions of Committee at distinct levels and Section 7 prescribe a procedure for providing protection to witnesses.

Mr.Jha has however, invoked Section 9 of the said Act, which contemplate protection to be offered to a witness, or to the Public Prosecutor or Additional Public Prosecutor upon his application made during the trial, and upon a satisfaction being reached that the lives of witnesses in the case are in danger, in such a case, the District Committee shall be duty bound to provide protection to the witnesses.

2. Despite the fact that the amount payable for his earlier police protection are due, since Mr.Jha has invoked the provisions of the 2017 Act, which has contemplated a scheme in Maharashtra for protection of witnesses and the petitioner is informed to have filed an application to that effect, upon which an order also came to be passed on 9/5/2022 by the Court at Ulhasnagar, where a clear finding is recorded as regards the threats being received by the petitioners, and also the fact that they enjoyed the police protection which was discontinued on account of covid pandemic. With a specific focus on the possibility of

danger to the life of informant and his family members being not ruled out, the Court requested the District Committee established under the Maharashtra Witness Protection and Security Act, 2017, to consider the application and provide him and his family members necessary protection without any costs.

We are informed by Mr.Yagnik that the District Committee has rejected this application on 18/5/2022, but when we specifically inquired with him about the details of the order passed, he is unable to place anything before us.

3. We find substance in the submission of Mr.Jha, as Section 9 contemplate a direction to the District Committee to provide police protection, once the Court express its satisfaction about the necessity of providing police protection under the Act of 2017 and it is his specific contention that it should not have been in form of a request, but ought to have been a 'direction'.

However, since now we are informed that the District Committee has already passed an order, we direct Mr.Yagnik, the learned APP to place the order, or if necessary, the minutes of the meeting in which the decision has been taken before us.

To be listed on 3/1/2025.

(MANJUSHA DESHPANDE, J) (BHARATI DANGRE, J.)