



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 152 OF 2024

Dharamsingh Ramsingh Bayas -Vs-State of Maharashtra

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.Anil S.Mardikar Sr. counsel a/b D.P. Singh, counsel for petitioner.
Mr.A.B.Badar, A.P.P for non-applicant State.

**CORAM VINAY JOSHI &
MRS. VRUSHALI V.JOSHI, JJ.**

DATE : 13th FEBRUARY, 2024.

1. Heard.

2. The petitioner has been served with notice on 13.01.2024 in terms of Section 149 of the Code of Criminal Procedure. It is the petitioner's contention that the police have no authority under Section 149 of the Code of Criminal Procedure to issue prohibitory orders precluding the petitioner from entering into the concerned premises. In support of the said contention, reliance is placed on the decisions of this Court.

3. Certainly, the police have authority to take preventive action and give notice to the citizen to preclude them from commission of cognizable offence. However, the tenor of notice *prima facie* indicates that petitioner is precluded to enter and work on said premises which does not appears to be within the powers.

4. In view of above, Issue notice to the respondent, returnable in four weeks.

5. In the meantime, we clarify that this notice shall not amount to restrain the petitioner to enter into the premises.

JUDGE

JUDGE