



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CRIMINAL SUO-MOTO PUBLIC INTEREST LITIGATION NO.  
NO.1 OF 2024**

Through Amicus Curiae

**...PETITIONER**

**VERSUS**

The Union of India  
and others.

**...RESPONDENTS**

...

Mr. Aniruddha A. Nimbalkar Advocate, Amicus Curiae for  
Petitioner.

Mr. A.G. Talhar, D.S.G.I. for Resp. Nos. 1 and 2.

Mr. A.B. Girase, Public Prosecutor for Resp. Nos. 3 and 4.

Mr. A.B. Kadethankar Advocate for Resp. No.5.

Mr. V.D. Salunke Advocate for Resp. No.6

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**CORAM: SMT. VIBHA KANKANWADI AND  
SANJAY A. DESHMUKH, JJ.**

**DATE OF RESERVING ORDER : 29<sup>th</sup> APRIL 2025**

**DATE OF PRONOUNCING ORDER : 5<sup>th</sup> MAY 2025**

**ORDER [PER SMT. VIBHA KANKANWADI, J.] :**

1. In view of our order dated 21<sup>st</sup> February 2025, we have  
heard the parties.

2. As per the said order, a clear time schedule was given, as

to which authority should do what. It appears that as per the said order, the security audit of major Districts has been done within the time slot that was granted and it was then communicated to the Principal Secretary, Law and Judiciary. Thereafter the Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department were supposed to hold meeting/meetings till 15<sup>th</sup> April 2025 and to come out with the decision and the policy as well as road map and were directed to file affidavit on or before 22<sup>nd</sup> April 2025. No such affidavit has been filed, but the desk officer, Home Department appears to have written a letter to the Government Pleader on 22<sup>nd</sup> April 2025, giving reference of a letter given by another desk officer to the Principal Secretary (Special), Home Department. It was given on a day earlier, i.e. on 21<sup>st</sup> April 2025, stating that the data was received from the Registrar General, High Court, however, there are some lacunas and therefore, the letter has been issued to the Registrar General. This letter dated 21<sup>st</sup> April 2025, does not give reference as to when that letter was given to the Registrar General, High Court. At least when the things are to be brought to the notice of this Court, the concerned officers as well as the Principal Secretary ought to have taken note, as to whether proper information is placed

before this Court. From this letter dated 21<sup>st</sup> April 2025, we cannot get as to what is lacking, whether the data is not sufficient or whether the data is creating any kind of confusion. The minutes of the meetings to be held till 15<sup>th</sup> April 2025, as per the order dated 21<sup>st</sup> February 2025, have not been supplied. Both the letters which are placed on record, which are now marked as 'Exhibit-X' are as cryptic as they are. It shows that either the Government has no intention to take the matter seriously or it has some reluctance. This is not expected from the Government, who is duty bound to provide security at the Court premises and to the Judges, for which we had already made remarks in our order dated 9<sup>th</sup> January 2025.

3. If the minutes of the meetings (provided those were held), would have been supplied, we would have had the knowledge as to on which points there was discussion between the Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department. In fact there was no hurdle for them to discuss in respect of the data of the Districts which has been complete in itself. Even in Paragraph No.11 of our order dated 21<sup>st</sup> February 2025, we had observed thus:-

" 11. Though the learned Public Prosecutor has made available those letters and minutes, referred above, yet has not given any reason as to why there is no compliance of paragraph No.19 of our order dated 9<sup>th</sup> January 2025. This Court had directed respondent Nos.3 and 4 to file appropriate affidavit of either Chief Secretary or the Principal Secretary, Home Department by collecting data as well as by making use of existing data annexed along with the affidavit of respondent No.5 and to come up with the policy and the road map in respect of security at the Benches, District Court at Headquarters and all the Taluka Courts as well as Family Courts. In the meeting held on 21<sup>st</sup> January 2025, both the Principal Secretaries i.e. Home Department as well as Law and Judiciary Department could have at least considered as to how the necessary strength, which is already sanctioned at the Principal Seat as well as Aurangabad Bench and Nagpur Bench could have been made available. However, it appears that they have not taken up that issue also. "

4. Thus, as per aforesaid observations, we had indicated that the Principal Secretaries can consider how the necessary sanctioned strength or necessary strength, at the Principal Seat, Bench at Aurangabad and Bench at Nagpur can be made available. By giving such cryptic letters, it appears that just time has been sought. We would make it clear that postponing the decision to be taken, cannot be the answer when the State is duty bound to do something.

5. Learned Advocate Mr. V.D. Salunke representing respondent No.6 brings to the notice of this Court a news that had appeared in Daily Lokmat and the photocopy of the same has been marked as 'Exhibit-Y' and taken on record. It is in respect of an incident that has been taken place at Kalyan Court, wherein an under-trial prisoner appears to have thrown Chappal towards the Court in the Court Hall, and even on the same day a person was found roaming in the Court premises with gun. It appears that 11 police persons have been suspended. We are only taking note of this news to highlight that the security in the Court premises is threatened by such unscrupulous elements many times.

6. The chart which was forwarded by the Registrar (Legal and Research) to the Principal Secretary and R.L.A., Government of Maharashtra, Law and Judiciary Department, is made available, of course the annexures are not supplied. But then it appears that except District Courts at Nandurbar and Thane, all other Districts have given their reports. We are unable to get, as to whether the Principal District and Sessions Judge, Hingoli has forwarded the security audit report or not and whether the security audit report in respect of newly created judicial District,

Hingoli is then covered under the report given by the learned Principal District and Sessions Judge, Parbhani.

7. We had given separate attention to the Family Courts in the State and as a stop-gap arrangement and the Police Commissioners / District Superintendent of Police throughout the State were directed to provide one Gunman cum Bodyguard for the Principal Judge/Judge where there is only one Court + two male Constables + three Lady Constables to be deployed at the Family Court premises with immediate effect. This has not been universally observed either by the Judges of the Family Court or at the end of the District Superintendent of Police, the security audit report is not received. We are taking special note of the Family Court at Akola. It appears that the Judge, Family Court, Akola is under some mistaken facts. The stop-gap arrangement has been considered by the concerned Judge as sufficient security and therefore, no security audit report has been submitted. This was not expected. Whatever has been provided to the Family Courts, is only the stop-gap arrangement. But taking into consideration the future need also, the final security audit report ought to have been submitted. It appears that security audit reports from the Family Courts at Thane,

Yavatmal, Bhandara, Parbhani, Belapur, Osmanabad, have not been received as audit reports have not been submitted by the respective Police Superintendents. In respect of these Districts, we direct that the Principal District and Sessions Judge to get the security audit reports in respect of Family Courts in those respective Districts, prepared by them. The Principal District and Sessions Judge, Thane to get the security audit done in respect of the Family Court at Belapur also. We have taken note of the fact that the Principal District and Sessions Judge at Kolhapur, Ahmednagar have included the security audit of the Family Courts in their respective Districts also and therefore, the same pattern can be adopted to those Family Courts, where due to non-submission of report from the Superintendent of Police the report has not been given to the High Court. The report in respect of Industrial Court has been given, however, for Maharashtra State Co-operative Appellate Court, Mumbai, the remark is "*Meeting was held with the PSI Shri Sawant about the same, only instruction given. No proposal about the security was sent to Mantralaya yet.*" We therefore, direct the President, Maharashtra State Co-operative Appellate Court, Mumbai, to get the security audit in respect of their own premises at Mumbai and also the Co-operative Courts throughout the State to be done and to submit

the report to the Registrar General, High Court, as would be directed at the end of this order.

8. Even as regards the said stop-gap arrangement, the report shows that it is not as per the order given by this Court. In the earlier order, we had not asked that the male police constables to be deployed in shifts i.e. day shift or night shift and therefore, there is no uniformity as such. We leave it to the Principal Judge/Judge of the respective Family Court to decide, within this strength directed to be made available, to deploy some police persons for night shifts. Of course, this should be done in consultation with the Commissioner of Police/District Superintendent of Police of their District. Where the said order has not been complied with, need is felt to issue fresh directions. Accordingly, they are issued.

9. It is to be noted that in respect of the stop-gap arrangement is concerned, the order of this Court is fully complied with by the Commissioner of Police/ District Superintendent of Police, Aurangabad, Amravati, Solapur and Latur.



10. This Court has received a communication from the Registrar, National Green Tribunal, Pune, wherein it has been informed that National Green Tribunal, Western Zone Bench, Pune, has jurisdiction for Maharashtra, Gujarat, Goa and Union Territories. It has been informed that to the Hon'ble Judicial Member of this Tribunal one Personal Security Officer was provided earlier by the Commissioner of Police, Pune. However, said Personal Security Officer has been withdrawn without any intimation or reason and therefore, presently no police protection is given either to the office of the National Green Tribunal or to the Judicial Officers. In fact the Commissioner of Police, Pune ought to have made communication with National Green Tribunal, Pune before withdrawing the facility which is given and may be since its inception, at Pune. Hon'ble Judicial Member of National Green Tribunal is a retired Judge of the High Court and therefore, before taking such decision of withdrawing Personal Security Officer, there ought to have been communication. Therefore, by way of present order, we direct the Commissioner of Police, Pune to provide one Personal Security Officer for Hon'ble Judicial Member, National Green Tribunal, Pune with immediate effect and not to withdraw such officer without prior permission of this Court. If the Police Officer so provided would

be on leave of any kind, then another person be made available at his place.

11. Thus, from the above discussion, it can be certainly noted that though the data was made available, the final decision or even part decision has not been taken. Hence, we pass following order:-

### **ORDER**

(I) **(a)** The Principal District and Sessions Judge, Nandurbar and Thane to submit their reports in respect of security audit as per Clause No. (III) (a) to (d) of the operative part of our order dated 21<sup>st</sup> February 2025, on or before 13<sup>th</sup> June 2025 to the Registrar General, High Court, if such report is not yet submitted.

**(b)** The Principal District and Sessions Judge, Thane to include the proposal for Family Court, Thane and Belapur in his report.

**(c)** The Principal District and Sessions Judge, Akola, Yavatmal, Bhandara, Parbhani, Osmanabad to get the security audit prepared for Family Courts in their respective Districts and submit the

data to the Registrar General on or before 13<sup>th</sup> June, 2025.

(d) The Principal District and Sessions Judge, Hingoli, to submit security audit report (if it is not already submitted by the Principal District and Sessions Judge, Parbhani), in respect of the District Head Quarter and also of the Taluka Courts as per our earlier directions and transmit the data so combined, to the Registrar General, High Court on or before 13<sup>th</sup> June, 2025.

(e) The President, Maharashtra State Co-operative Appellate Court, Mumbai to get the security audit prepared for the Court's Head Quarter and also for the Co-operative Courts throughout the State and transmit it to the Registrar General, on or before 13<sup>th</sup> June 2025.

(II) (a) The Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department to write a clear letter as to which data is lacking and what information, apart from whatever is supplied to them, is required, by a fresh letter to the Registrar General, within a period of one week from today.

(b) The learned Registrar General to consider the said fresh request and get the information from

the respective Districts on or before 13<sup>th</sup> June 2025.

(III) The learned Registrar General to compile the said data which is collected up till 13<sup>th</sup> June 2025, and transmit it to the the Principal Secretary, Law and Judiciary Department on or before 23<sup>rd</sup> June 2025.

(IV) (a) The Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department, to hold meetings after the data is received to them, between 28<sup>th</sup> June 2025 to 11<sup>th</sup> July 2025, and to come out with the decision and the policy cum road map and file their affidavits on or before 24<sup>th</sup> July 2025. Copy of those affidavits to be given to the other side in advance.

(b) The Principal Secretary, Finance Department may also be involved at a later stage of decision making, if the Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department feel his presence is necessary.

(c) The Principal Secretary, Home Department and the Principal Secretary, Law and Judiciary Department, to consider, as a stop-gap arrangement, how to fill up the vacancies where

there is sanctioned strength of security personnel, may be at the Principal Seat or Benches or even at some District Courts. This arrangement then be continued till the final decision in respect of the road map and the policy is taken. However, there should not be postponement of even a partial decision on any count.

(V) The Commissioner of Police, Pune to provide a Gunman/Personal Security Officer, to the Hon'ble Judicial Member, National Green Tribunal, Pune, with immediate effect, and not to withdraw such officer without prior permission of this Court. If the Police Officer so provided would be on leave of any kind, then another person be made available at his place.

(VI) (a) The Commissioner of Police/ District Superintendent of Police of Pune, Mumbai, Nagpur, Thane (for Family Courts at Thane and Belapur), Nashik, Kolhapur, Nanded, Osmanabad, Buldhana, Ahmednagar, Dhule, Jalgaon, Satara, Jalna, Sangli, Yavatmal, Beed, Bhandara, Parbhani, Raigad-Alibag, to comply with the order in respect of stop-gap arrangement, as directed by us in Clause No. (VI) (a) and (b) of the operative part of our order dated 21<sup>st</sup> February 2025, immediately. Non-compliance of the same would be viewed seriously.

(b) Learned Registrar (Legal and Research) to collect the data about the fresh compliance of this stop-gap arrangement within a period of 10 (ten) days from today and in case of non-compliance in its entirety, to take up the issue with the concerned Commissioner of Police/District Superintendent of Police and submit the compliance to this Court.

(VII) Place the matter for further consideration on 31<sup>st</sup> July 2025.

(VIII) Authenticated copy of this order be provided to all the parties. The Public Prosecutor to inform all the Police Commissioners / District Superintendent of Police this order immediately, especially for the compliance of Clause No. (VI) (a) in respect of stop-gap arrangement.

**[SANJAY A. DESHMUKH]**  
**JUDGE**

**[SMT. VIBHA KANKANWADI]**  
**JUDGE**