

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 3788 OF 2023

Rajashree Kala Krida Va Sanskrutik
Mandal, Khotwadi.

...Petitioner.

Versus

The State of Maharashtra and Others.

...Respondents.

*Manoj Patil, Kalyani Mangave i/b Indrajit Magadam for the Petitioner.
Pankaj Deokar, APP for the Respondent-State.*

**Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.**

Date : October 10, 2025.

P. C. :

1. The Petitioner by this petition prays for following reliefs :

"b. This Hon'ble Court be pleased to issue writ of mandamus and or an appropriate writ, order and or direction and to direct the Respondents Authorities No. 1 to 4 to investigate and enquire into the cause/grievance of the Petitioner dt. 31 March 2023 and to take necessary penal action against the responsible officials with regard to the alleged illegal raid dt. 17 March 2023 conducted by the officials of the Respondent No. 5 into the premises of Petitioner Mandal.

c. This Hon'ble Court be pleased to issue writ of mandamus and or an appropriate writ, order and or direction and to direct the Respondents Authorities to take serious cognizance of the Petitioners grievance dt. 31 March 2023 and to take coercive action including initiation of the departmental enquiry against the responsible officials who had committed an illegal raid dt. 17 March 2023 into the premises of Petitioner.

d. This Hon'ble Court be pleased to issue writ of mandamus and or an appropriate writ, order and or direction and to direct the Respondents No. 1 to 5 to produce the CCTV Camera, Footages, DVR/Hard Disk and Register Book installed into the premises of Petitioner Mandal, which had illegally taken away by the officials of the Respondent No. 5, and further be pleased to direct to the Respondents No. 1 to 4 to verify the truth by carrying out an inquiry and inspection of CCTV Camera, Footages, DVR/Hard Disk

and Register Book and accordingly take coercive action against the responsible officials of the Respondent No. 5 for an illegal raid dt. 17 March 2023.

e. This Hon'ble Court be pleased to issue writ of mandamus and or an appropriate writ, order and or direction and to direct the Respondents No. 1 to 5 to return the CCTV Camera, Footages, DVR/Hard Disk and Register Book installed into the premises of Petitioner Mandal to the Petitioner, which had illegally taken away by the officials of the Respondent No. 5 during the course of an illegal raid."

2. This Court by order of 14th October 2024 passed the following order :

1. On 23rd September, 2024, we passed the following order;

"1. The grievance of the petitioner in the present petition is that the CCTV Camera and DVR/Hard Disk installed and the Register of the petitioner, were taken away by the police attached to Vathar Police Station, Satara, without conducting any panchanama vis-a-vis the said articles. According to the petitioner, the CCTV camera was taken by the police on 17th March 2023, and despite the petitioner orally asking for return of the same and making a written representation dated 31st March 2023, the petitioner received no response to the said representation, pursuant to which, the aforesaid petition was filed. Learned counsel relied on the said representation dated 31st March 2023, which is at page 64 of the present petition, addressed to various authorities including the Superintendent of Police, Satara. According to the learned counsel for the petitioner, the said CCTV footage is a crucial document, which will point to the innocence of the petitioner and will show that people were playing Rummy and not Teen Patti.

2. Learned APP on instructions states that none of the articles alleged by the petitioner were seized.

3. In view of what is disclosed to us by the learned APP on the instructions of the officer, who is present in this Court, we deem it appropriate to direct the Superintendent of Police, Satara, to look into the grievance made by the petitioner in this petition and to inform us on the next date with respect to the steps intended to be taken vis-a-vis the allegations made by the petitioner with respect to the CCTV Camera and DVR/Hard Disk installed and the Register of the petitioner, which according to the petitioner were taken up by the police without seizing the same.

4. Sand over to **14th October 2024.**

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

2. Today, learned APP has tendered a report of the Addl.S.P., Satara, Dr. Vaishali Kadukar.
3. We have perused the inquiry report. *Prima facie*, the inquiry appears to be an eye-wash with no details as to how the Addl.S.P has come to the said conclusion, when the specific grievance of the petitioner throughout was that the CCTV camera and DVR/Hard Disc installed, were taken by the Police.
4. Learned APP attempted to rely on the statement of one of the persons present at the said premises at the time of incident i.e. Avinash Sartape. However, it appears that the statement of Sartape was recorded on 20th April, 2023, post the grievance made by the petitioner to the Police on 31st March, 2023. Infact, vide our aforesaid order, we had directed the Superintendent of Satara to himself look into the petitioner's grievance and inform us the steps he intends to take with respect to the said allegations.
5. Considering what we have observed in the findings submitted by Dr. Vaishali Kadukar, the Additional S.P., we deem it appropriate to direct the Superintendent of Police to himself conduct the inquiry considering the nature of allegations made by the petitioner, uninfluenced by the report of the Additional Superintendent of Police, Dr. Kadukar.
6. Needless to state, that the petitioner to be heard in the said inquiry. The report, if ready, be placed before us on the next date.
7. Stand over to **29th November, 2024.**"

3. Accordingly, the Superintendent of Police conducted an inquiry and submitted a comprehensive report.
4. Mr. Manoj Patil, learned Counsel for the Petitioner submitted that there are various shortcomings in the report submitted by Superintendent of Police. When learned APP pointed out to us the statement of one of the witnesses, namely, Yasin Hamid Khan Pathan recorded on 17th March 2023 when the raid took place, who has stated that DVR and CCTV cameras were not working, Mr. Manoj Patil invited our attention to the statement of one Suhas Musale who says that the CCTV was working till 15th March 2023. There are several disputed

questions of fact, which the Petitioner will have to agitate before the appropriate forum. The Superintendent of Police has conducted the enquiry and if at all the Petitioner is aggrieved by the report, the Petitioner will have to resort to appropriate remedies available to him in law. It is not possible for us to render findings on the disputed factual aspects of the matter which require evidence to be led and which only the competent Court / forum can arrive at in the instant case.

5. Learned Counsel for the Petitioner invited our attention to the order of 23rd April 2025 passed by this Court when learned APP sought time to take instructions with respect to the steps the Police can take when they visit any Krida Mandal in view of the allegations made against them not only in this petition but also in several other petitions. With a view that Mandals are not unnecessarily harassed, the State Government is requested to look into this aspect of the matter and Home Department may consider issuing appropriate advisory / guidelines in accordance with law. It is requested that this exercise is carried out as expeditiously as possible.

6. Keeping all contentions of the Petitioner open, liberty is granted to the Petitioner to adopt appropriate remedies. Petition stands disposed of.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]