

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15231 OF 2024

Kondiram Namdeo Patil

...Petitioner

**Versus**

The State of Maharashtra and Ors.

...Respondents

\*\*\*\*\*

Mr. Vivek Salunke Advocate for the Petitioner.

Mr. N.C. Walimbe, Additional Government Pleader with Mr. Shahji Shinde, 'B' Panel Advocate a/w Mr. N.K. Rajpurohit Assistant Government Pleader and Mr. S.L. Babar, Assistant Government Pleader for the Respondent/State.

\*\*\*\*\*

SNEHA  
NITIN  
CHAVAN

Digitally signed by  
SNEHA NITIN  
CHAVAN  
Date: 2025.02.13  
18:59:21 +0530

**CORAM : A.S.CHANDURKAR AND  
M.M. SATHAYE, JJ.**

**DATE : 13<sup>th</sup> FEBRUARY 2025**

**P.C. :**

1. One of the contentions urged by the learned Counsel for the Petitioner while raising challenge to the order of Transfer dated 12/10/2024 is that the transfer order refers to the Instructions issued by the Election Commission of India on 31/07/2024 and especially Clause 6(v) thereof. As per the said Clause, no officer/official against whom the criminal case related to official functioning is pending in any Court of law, should be associated with/deployed on election related duty. According to him, the power of transfer under Section 22N(5) of the Maharashtra Police Act, 1951 has not been invoked. He, therefore, submits that considering the transfer of the Petitioner is not covered under the transfer policy. His further submission is that the only intention under Clause 6(v) is to keep such officer/official away from

election duty when the criminal case related to official functioning is pending in any Court of law. He also urges that in view of the provisions of Sections 190 and 204 of the Code of Criminal Procedure, 1973 as cognizance of the criminal case has not been taken, there is no criminal case pending against him.

2. The learned Additional Government Pleader seeks short time to file Affidavit-in-Reply. Time of two weeks is granted to file an Affidavit-in-Reply. It is made clear that no further time would be granted.

3. Stand over to 27.02.2025 after urgent matters.

(M.M. SATHAYE, J.)

(A.S.CHANDURKAR, J.)