

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO.3886 OF 2024**

Samsul Jalaudin Akhtar

...Petitioner

Vs

State Of Maharashtra

...Respondent

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Adv. Abhang Surywanshi, Adv. Narayan Rokade, Adv. Siddharth Ghodke, Adv. Harish Jadhav, Advocate for the Petitioner.

Ms. Anamika Malhotra, APP for the State.

Mr. Amol A. Jadhav, API Robale Police Station, Navi Mumbai present.

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**CORAM : RAVINDRA V. GHUGE &  
RAJESH S. PATIL, JJ.**

**DATE : 7<sup>th</sup> JANUARY, 2025**

**P.C. :-**

1. Leave to correct the name of the Petitioner, forthwith.
  
2. We have heard the learned Advocate for the Petitioner and the learned APP for the State. We direct the Petitioner to add Rajendra Ramji Gawli, the Complainant/Informant, on whose complaint, the F.I.R No.0053/2023 was registered on 26<sup>th</sup> January,

2003 in Rabale Police Station, District Navi Mumbai. Addition to be carried out forthwith.

3. **Issue notice to the Respondents**, returnable on 12<sup>th</sup> February, 2025. The learned APP waives service of notice on behalf of the State-Respondent No.1.

4. *Prima facie*, we find from the contents of the F.I.R that the watchman of the society, namely Mr. Rajesh Singh, informed the Complainant that the two walls of the two shops (Galas) were broken down under the orders of the chairman, Mr. Ramesh Dhokane, the Secretary, Mr. Samsul Jalaluddin Akhtar (the present Petitioner), Mr. Niraj Singh and Mr. Dinesh Parikh. However, in the statement of the Chairman, Mr. Ramesh Dhokane, he submits that the Secretary, Mr. Samsul Jalaluddin Akhtar, was not present when the two walls were broken down. He does not state that the Secretary, Mr. Samsul Jalaluddin Akhtar, had sanctioned the breaking of the two walls. The watchman, Mr. Rajesh Singh, has mentioned in his statement that the chairman, Mr. Ramesh Dhokane, said in the meeting that the Secretary had also approved the demolition of the two walls.

5. In view of the above, since the charge-sheet has been lodged with the concerned Court, we direct the Trial Court not to frame the charge as against the present Petitioner Mr. Samsul Jalaluddin Akhtar, until further orders.

6. All office objections to be removed on or before 22<sup>nd</sup> January, 2025, failing which, the Petition would stand dismissed without reference to this Court, on 23<sup>rd</sup> January, 2025.

**(RAJESH S. PATIL, J.)**

**(RAVINDRA V. GHUGE, J.)**