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

**INTERIM APPLICATION NO. 1526 OF 2025
WITH
INTERIM APPLICATION NO. 1523 OF 2025
IN
SUO MOTO WRIT PETITION NO. 1 OF 2022
WITH
SUO MOTO WRIT PETITION NO. 1 OF 2022**

The State of Maharashtra

.. Applicant

Versus

High Court on its own motion

.. Respondent

Dr. Birendra Saraf, Advocate General with Mr. A. R. Patil, APP
for applicant-State.

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**CORAM: ALOK ARADHE, CJ. &
N. J. JAMADAR, J.**

DATE: 25th APRIL, 2025

P.C.:

IA/1526/2025:

- 1.** Heard learned Advocate General on Interim Application No. 1526 of 2025.
- 2.** The aforesaid interlocutory application has been filed seeking withdrawal of prosecution against the persons who are accused in C. R. No. 67 of 2010, registered at the instance of Dharmabad Police Station, Nanded, for the offences punishable under Sections 353, 324, 332, 336, 337, 323, 504, 506, 109 read with Section 34 of the Indian Penal Code.

3. The facts leading to filing of the present application, in a nutshell, are that there was a dispute regarding the distribution of the water between the State of Maharashtra and State of Andhra Pradesh in relation to Babhali Dam situate in Dharmabad, District – Nanded. The persons, who are accused in C.R. No. 67 of 2010, had come to the said Dam and had protested for distribution of more water to the State of Andhra Pradesh. Thereupon, offence punishable under Section 143, 144 and 188 of IPC for forming an unlawful assembly and under Section 37(1)(3) and 135 of the Maharashtra Police Act was registered against the said accused persons named in C.R. No. 67 of 2010. Admittedly, prosecution for unlawful assembly registered against the accused under Sections 143, 144 and 188 of IPC and under Section 37(1)(3) and 135 of Maharashtra Police Act, in C.R. No.64 of 2010, have been withdrawn.

4. The accused in C. R. No. 64 of 2010 were being shifted from one jail to another. The allegation against the accused, at that point of time, was that they indulged in a scuffle with the police personnel. Thereupon, the offence under Sections 353, 324, 332, 336, 337, 323, 504, 506, 109 read with Section 34 of the Indian Penal Code was registered against them under C.R. No.67 of 2010.

5. The Committee constituted by the State Government has examined the charge-sheet and recommend the withdrawal of the prosecution to the State Government. A copy of the said report dated 13th August, 2024 is annexed along with the application. The report dated 26th August, 2024 of the Assistant Public Prosecutor, Biloli, District – Nanded,

recommending the withdrawal, is also annexed with the application. The prosecution of the accused in C.R. No. 64 of 2010 has arisen on account of a demonstration for a public cause. In the backdrop of facts stated supra, the decision of the Committee to withdraw the prosecution appears to be guided by considerations which advance the object of withdrawal of the prosecution arising out of social and political agitations.

6. We, therefore, grant leave for withdrawal of the prosecution. In the event the Public Prosecutor files an application under Section 321 of the Code of Criminal Procedure, the concerned Magistrate shall pass appropriate order in accordance with law.

7. Accordingly, Interim Application No. 1526 of 2025 is disposed of.

IA/1523/2025:

8. Learned Advocate General prays for short accommodation to enable him to produce the charge-sheet for our perusal on or before the next date of hearing.

SMWP/1/2022:

9. In compliance of the directions issued by this Court on 1st August, 2024, the Registry has put up a report dated 25th April, 2025, in relation to progress of trials and the reasons for pendency of the cases against MPs and MLAs. We have perused the said report. The report discloses that in all 455 cases are pending against the MPs and MLAs.

10. The compliance report submitted by the Registry refers to the directions by SCMS Committee. On the next date of hearing, the Registry shall submit a report whether the directions referred to by it in paragraph 2 of the report issued by the SCMS Committee are being complied with by the courts dealing with the cases pertaining to MPs and MLAs.

11. List on **13th June, 2025 at 2.30 p.m.**

(N. J. JAMADAR, J.)

(CHIEF JUSTICE)