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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 1523 OF 2025
IN
SUO MOTO WRIT PETITION NO. 1 OF 2022
WITH
SUO MOTO WRIT PETITION NO. 1 OF 2022

State of Maharashtra ...Applicant
Versus
High Court of its Own Motion ...Respondent
Dr. Birendra Saraf, Advocate General, with A.R. Patil, Addl PP,
for the Applicant-State.

CORAM ALOK ARADHE, CJ. &
 N. J. JAMADAR, J.
DATED: 13th JUNE 2025

PC:-

1. This Application is preferred seeking permission of the Court to withdraw the prosecution in Criminal Case No. 186 of 2022 arising out of CR No. 278 of 2012 registered with Gittikhadan Police Station, Nagpur City for the offences punishable under Sections 143, 147, 149, 336, 447, 448, 353 of the Indian Penal Code ("the Penal Code") and Section 3 of the Prevention of Damage to Public Property Act, 1984.

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2. The indictment against the accused, including Accused No.1, who was then a member of Maharashtra Legislative Assembly and President of the State Unit of a political party, is that, on 26th June 2012, between 1.00 pm to 5 pm, an agitation was organized in front of the Headquarters of Western Coal Limited (“WCL”), Nagpur in connection with the alleged pollution and environmental damage on account of mining operations in the Nagpur region, at about 4.00 pm on the pretext of submitting representation, the accused barged into the office of the WCL, formed an unlawful assembly and in prosecution of the common object of the unlawful assembly committed rioting, trespass and used criminal force to deter the public servants from discharging their official duties, and also caused damage to public property to the tune of Rs.1,50,000/-.

3. In the Application, it is averred the proposal to withdraw the prosecution was placed before the Committee constituted by the State Government. The said Committee has recommended the withdrawal of the prosecution in its meeting held on 18th February 2023. The Public Prosecutor, who is entrusted with Criminal Case No. 186 of 2022, has submitted a report that the incident arose out of social

agitation and, in his opinion, prosecution deserved to be withdrawn.

4. We have perused the report under Section 173 of the Code of Criminal Procedure, tendered by learned Advocate General. We have considered the nature of the allegations as well as the gravity of the offences.

5. *Prima facie*, it appears that the genesis of the alleged offences is in an agitation over the ill effects of mining and the resultant environmental damage. The Committee has noted that there is no loss of life and damage to public property in excess of Rs.5 lakhs, the parameters stipulated under the Government Resolution for withdrawal of the prosecutions in cases arising out of social and political issues.

6. The decision of the Committee to withdraw the prosecution appears to be guided by considerations which advance the object of withdrawal of the prosecutions arising out of social and political agitations. It does not appear that the prosecution is being withdrawn for an extraneous consideration. An independent application of mind by the concerned Public Prosecutor is also evincible from the report submitted by the Prosecutor.

7. For the forgoing reasons, we are inclined to allow the Application to the extent of granting leave to the State Government to seek the withdrawal of prosecution.

8. In the event the Public Prosecutor file an Application for withdrawal of the prosecution, the jurisdictional Court shall pass appropriate orders in accordance with law.

9. Application disposed.

SUO MOTO WRIT PETITION NO. 1 OF 2022:

10. On 25th April 2025, we had passed following order:

11. “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.”

12. In compliance of aforesaid directions the Registry has tendered a report. We have perused the report.

13. Upon collation of the information on the compliance of the directions issued by the SCMS Committee, certain broad inferences have been drawn by the Registry, regarding the impediments in the expeditious disposal of the cases involving the Peoples Representatives.

14. In our view, it would be expedient that the information collected and collated by the Registry is placed before the SCMS Committee for further appropriate directions.

15. We also direct the Registry to call reports from the Principal District Judge/Judge regarding the stage of each of the pending cases involving MPs and MLAs and the impediments in the expeditious disposal of those cases, within a period of four weeks from today.

16. The Registry shall thereafter collate the information and submit a consolidated report as regards the stages and causes for delay in the disposal of the cases involving MPs/MLAs, within two weeks thereafter.

17. Stand over to 1st August 2025 at 3.00 pm.

(N. J. JAMADAR, J)

(CHIEF JUSTICE)