



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 909/2025

(Shri Chetan S/o Yashwantrao Kullawrkar & anr. Vs. State of Maharashtra & ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. M. Gaidhane, Advocate for petitioners.
Mr. G.S. Umale, APP for respondent respondents.

CORAM: M. M. NERLIKAR, J.
DATED : 17/12/2025.

Heard the learned counsel appearing for the petitioners and the learned APP for respondents.

2. The precise submission of the petitioners is that though notice under Section 18 of the Immoral Traffic (Prevention) Act, 1956 ("the said Act") was issued, however he has not been heard. It is his contention that after issuance of notice, the petitioners have tendered the reply to the said notice, however he was not heard and final order was passed, therefore the order is violating the principles of natural justice.

3. On the other hand, learned APP vehemently submits that Section 18 of the said Act contemplates show cause notice and thereafter hearing is also contemplated. He submits that as soon as the petitioners filed the reply, it amounts to compliance of principle of natural justice, therefore, it would not lie in the mouth of the petitioners to say that the principle of natural justice has not been followed. Therefore, the petitioners do not deserve any indulgence.

4. Without going into the merits of the matter, I am of the opinion that, “hearing” contemplates filing of reply as well as personal hearing, it is not an empty formality. So far as the adverse orders are concerned, it should pass only after hearing the parties not behind back only on the basis of the reply. It is necessary to mention at this juncture that the principle of natural justice is the backbone of the every proceedings, violation of the same would tantamount to violation of the statutory right guaranteed under the Act.

5. In view of above, the impugned order dated 27.10.2025 passed by respondent No.2, Commissioner of Police, Nagpur is hereby quashed and set aside. The matter is remanded back to the Police Commissioner, Nagpur City.

6. Needless to mention that the Commissioner of Police shall issue fresh notice in accordance with Section 18 of the said Act.

7. The petitioner shall file the reply to the said notice as contemplated in the law and further the Commissioner of Police shall permit the petitioner to appear in person and thereafter, hear the petitioner and pass appropriate orders. With these observations, the petition is allowed and disposed.

(M. M. NERLIKAR, J.)