



Kalbhor Police Station, Pune, to provide Police protection to him.

2. Heard learned Counsel Mr. Priyal G. Sarda for the Petitioner and learned A.P.P, Ms. Supriya Kak, for the Respondent – State.

3. Brief background of this petition is as follows:

The petitioner, his brother – Laxman and his friend – Hemant Gaikwad were assaulted on 19<sup>th</sup> February, 2015 with deadly weapons. C.R.No. 55 of 2015 was registered at Loni Kalbhor Police Station, Pune, under Sections 307, 326, 325, 341, 506(1), 143, 147, 148, 149 and 504 of the Indian Penal Code. The investigation resulted in Sessions Case No.428 of 2017 before the learned Sessions Court at Pune. In the meantime, the petitioner's friend – Hemant Gaikwad, who was the injured witness in C.R.No. 55 of 2015 of Loni Kalbhor Police Station, Pune, was murdered on 9<sup>th</sup> September, 2015. It is the case of the petitioner that the offence was committed by the same accused who had committed the offence in connection with

C.R.No.55 of 2015. In respect of murder of Hemant Gaikwad, C.R.No. 338 of 2015 was registered at Loni Kalbhor Police Station, Pune, on 9<sup>th</sup> September, 2015 under Section 302 r/w 34 of the Indian Penal Code. Subsequently, the provisions of MCOCA were applied and the trial was conducted as MCOCA Spl.Case NO.6 of 2016 before the Additional Special Judge under MCOC Act, Pune. The accused were acquitted in that case. However, the Sessions Case No. 428 of 2017 arising out of C.R.No. 55 of 2015 is still pending. The petitioner is an injured eye-witness and therefore, his evidence would be important in that case. His evidence is yet to be recorded.

4. The petitioner was given Police protection since 10<sup>th</sup> September, 2015. Initially, it was upto 18<sup>th</sup> December, 2019. After Police protection was removed, there was incident of firing at his house and therefore, another offence vide C.R.No. 910 of 2019 was registered at the same Police Station on 25<sup>th</sup> December, 2019. Because of that, the petitioner was given Police protection from 28<sup>th</sup> December, 2019 which continued till 17<sup>th</sup> October, 2024. Again it was removed

between the period from 18<sup>th</sup> October, 2024 to 8<sup>th</sup> January, 2025. After that, again the Police protection was given till 31<sup>st</sup> March, 2025 but since then, no Police protection was given to him.

5. The petitioner entered into correspondence with and made applications to the Police Authorities for continuation of his Police protection. His request was rejected and he was informed accordingly vide a letter dated 23<sup>rd</sup> August, 2025, sent under the signature of Deputy Commissioner of Police, Special Branch, Pune City.

6. In this background, the petitioner has approached this Court. Learned Counsel appearing for the petitioner submitted that his apprehension is not baseless. In the past, his friend – Hemant Gaikwad who was an injured eye-witness, in connection with C.R.No. 55 of 2015 was murdered. Though that case resulted in acquittal, the appeal against acquittal is preferred and it is admitted by this Court. More importantly, his evidence is not yet recorded in Sessions Case No. 428 of 2017 and therefore, threat to his life still continues

because according to the petitioner, the accused do not want him to depose against them in the trial. He submitted that Police themselves were satisfied about the genuineness of his apprehension and he was given Police protection for a long period of almost 10 years and therefore, there is no reason, as to why it should not be continued looking at the past history.

7. In response to these submissions, learned Addl.PP took specific instructions from the Deputy Commissioner of Police, Special Branch, Pune City and on instructions, she made a statement that for the time-being, the petitioner shall be given Police protection till his evidence is recorded in Sessions Case No. 428 of 2017 before the Court of Sessions at Pune. After his evidence is recorded, the Police Authorities will review the situation and will decide whether to continue the Police protection and for how long it is to be continued. The statement made before the Court by the learned Addl.PP, on instructions, is recorded and accepted.

8. In view of the statement, the learned Counsel for the petitioner does not press this petition at this stage, reserving his rights to take appropriate proceedings in accordance with law, in case the necessity arises in future.

9. Considering both these submissions, the petition is disposed of as not pressed, based on the submissions made by the learned Addl.PP before the Court today.

**SANDESH D. PATIL, J.**

**SARANG V. KOTWAL, J.**