



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 318 OF 2026

1. **Vidarbha Merchants Urban Co-operative Bank Ltd. Hinganghat, Dist. Wardha,** having its Head Office at Nehru Ward, Hinganghat, Tah. Hinganghat, Dist. Wardha and having one of its branches at Vishwakarma Apartment, Chitar Oli, Mahal, Tq. and Dist. Nagpur, Through its Authorised Officer, Sanjay s/o Madhukar Narkhedkar Aged about 50 years,
Occ.:- Service

PETITIONER

// V E R S U S //

1. **State of Maharashtra,**
Ministry of Home,
Mantralaya, Mumbai-32,
Through its Secretary
2. **The learned Commissioner of Police,**
Nagpur City, Civil Lines,
Tah. and Dist. Nagpur
3. **The learned Police Station Officer,**
Kotwali Police Station,
Tah. and Dist. Nagpur

RESPONDENTS

Mr. K.R.Jain, Advocate for the petitioner.
Mr. S.S. Hulke, APP for respondents /State.

CORAM : URMILA JOSHI PHALKE AND
NIVEDITA P. MEHTA, J.J.

DATED:- 29.04.2026

ORAL JUDGMENT :

1. Heard.

2. **Rule.** Rule made returnable forthwith. Taken up for final disposal with the consent of learned counsel for the parties.

3. Being aggrieved by in action on the part of respondent Nos.2 and 3 by not granting the police protection to the petitioner in taking physical possession by contravening the order passed by the 15th Joint Civil Judge, Senior Division and ACJM, Nagpur in Criminal M.A. No.590/2025 dated 15.03.2025 the petitioner approached to this Court.

4. The petitioner is Co-operative Bank registered under the provisions of Maharashtra Co-operative Societies Act, 1960. The petitioner Bank is dealing in banking business with requisite sanction from the Reserve Bank of India. It is contended by the petitioner that M/s Taj Enterprises, through its Prop. Mohd. Maqsood Abdul Azim Sheikh and Shabana Nahid Mohd. Maqsood Sheikh have availed the loan facility from the petitioner Bank and

for securing the repayment of the said loan facility Jahid Shakil Alimuddin Sheikh and Sheikh Ahemad Sheikh Sardar Pinjari have stood as guarantors. The borrowers mortgaged their property for repayment of the loan facility. The said loan amount came to be declared as NPA due to failure on the part of the borrower in repaying the loan amount, therefore, the petitioner bank has initiated action under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act, 2002') by issuance of Demand notice dated 21.12.2017.

5. For taking physical possession of the secured assets the petitioner approached the Chief Judicial Magistrate, Nagpur by filing an application under Section 14 of the SARFAESI Act. The Chief Judicial Magistrate has passed an order dated 15.03.2025 thereby issuing possession warrant and also directed respondent No.3 to provide necessary police protection for the execution of possession of warrant, at the cost of the applicant. Despite repeated requests made by the petitioner, no police protection was given to the present petitioner. Therefore, present petitioner could

not secure the assets of the borrower and therefore, the present petition.

6. Learned APP for the State in response to the notice submitted that due to some unavoidable circumstances on 27.05.2025 and 12.03.2026, police protection could not be granted. Now on furnishing the details about the date when the petitioner wants to execute the said possession warrant the respondent No.3 is ready to provide police protection and will abide by the order passed by this Court.

7. We have considered the various communications filed on record which apparently show that there was total non-cooperation on the part of respondent Nos.2 and 3. However, considering the statement made by learned APP on the basis of the instructions received by him as well as concerned Police Officers namely Mr. Mahesh Babanrao, PSI from Kotwali Police Station and Mr. Umashankar Kanojiya, C.P. Office who are present before the Court. They have also made a statement that they are ready to co-operate with the petitioner to provide the police protection to the petitioner to execute the order.

8. In view of that, we proceed to pass the following order:-

ORDER

(i) The respondent Nos.2 and 3 to provide police protection in taking physical possession of the secured asset and in response to the application by the present petitioner on a date which was communicated to them by the petitioner.

(ii) Non-compliance or non-cooperation on the part respondent Nos.2 and 3 will be taken seriously and stern action will be taken against them.

9. With these observations Criminal Writ Petition is disposed of.

10. Rule is made absolute in the above terms.

(NIVEDITA P. MEHTA, J.)

(URMILA JOSHI PHALKE, J.)