



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

CRIMINAL WRIT PETITION (STAMP) NO. 6503 OF 2024

Aftab Siddique & Ors. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

WITH

CRIMINAL WRIT PETITION (STAMP) NO. 6586 OF 2024

Shanul Hassan Sayed ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

WITH

**CRIMINAL WRIT PETITION (STAMP) NO. 8348 OF 2024
(NOT ON BOARD)**

Bakar Ali ... Petitioner

Versus

The State of Maharashtra & Ors. ... Respondents

Ms. Gayatri Singh, Sr. Advocate a/w Mr. Swaraj Jadhav and Mr. Hamza Lakdawala i/b Mr. Vijay Hiremath for the Petitioners in WP-ST-6503/2024

Mr. Karim Pathan a/w Mr. Fazal Shaikh and Mr. Shan-e-Ilahi for the Petitioner in WP-ST-6586/2024

Mr. Karim Pathan a/w Mr. Khwaja Shaikh, Mr. Fazal Shaikh and Mr. Shan-e-Ilahi for the Petitioner in WP-ST-8348/2024

Mr. H. S. Venegavkar, P.P and Mrs. P. P. Shinde, A.P.P for the Respondents-State

ACP Mr. Suhas Hemade, Mankhurd Division, is present

PSI Mr. Janardan Shinde from Malwani Police Station, is present

ACP Mr. Vijay Marathe, Mira Road Division, is present

PI Mr. Dilip Rakh from Naya Nagar Police Station, is present

PI Mr. Ganesh Jadhav from Ghatkopar Police Station, is present

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
TUESDAY, 23rd APRIL 2024**

P.C :

1 Pursuant to our order dated 15th April 2024, Mr. Venegavkar, learned P.P submits that the concerned Police Commissioners have taken a decision to register FIRs with respect to the incidents that have taken place at Mira-Bhayander, Mankhurd, Malwani and Ghatkopar.

2 Mr. Venegavkar has tendered the FIRs. It appears that the Mankhurd Police Station has registered an FIR vide C.R No. 152/2024 as against Nitesh Rane for the alleged offences punishable under Sections 153A, 503, 504 and 505 of the Indian Penal Code (`IPC`).

3 As far as Ghatkopar Police Station is concerned, the police have registered C.R No.521/2024 as against Subhash Ahir and Nitesh Rane for the alleged offences punishable under Sections 153A, 504, 506 and 188 of the IPC.

4 As far as Kashimira Police Station is concerned i.e. the Mira-Bhayander incident, the police have registered C.R No.259/2024 as against Nitesh Rane, Smt. Geeta Jain for the alleged offences punishable under Sections 153A, 153B, 143, 504 and 506 of the IPC and Section 37(1) r/w Section 135 of the Maharashtra Police Act.

5 As far as Malwani Police Station is concerned, it appears that initially C.R No. 298/2024 was registered only against Bhagwan Thakur for the offence punishable under Section 188 of the IPC, however, it appears that subsequently, the Malwani Police has added Sections 153A, 504 and 506 of the IPC and have made Nitesh Rane also an accused in the said C.R.

6 At this stage, Mrs. Gayatri Singh, learned senior counsel appearing for one of the petitioners submits that Section 295A has not been added to the aforesaid C.Rs. Learned senior counsel relied on the judgment of the Apex Court in the case of *Amish Devgan v. Union of India*¹. A copy of the said judgment is also served on Mr. Venegavkar, learned PP.

7 Learned senior counsel, in particular, relied on para 102 of the said judgment, wherein a distinction is drawn by the Apex Court between the provisions of 153A and 295A. She submits that keeping in mind the ingredients of Section 295A to the fact, and the judgment of the Apex Court, Section 295A would also be applicable to the aforesaid CRs.

8 Mr. Venegavkar, learned P.P states that investigation has commenced in all the said C.Rs and that the respective Police Commissioners will take appropriate decision with respect to

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addition of Section 295A, keeping in mind the said provision and the judgment of the Apex Court rendered in *Amish Devgam (Supra)*.

9 As far as the incident of violence that took place at Mira Road from 22nd January 2024 to 26th January 2024 is concerned, Mr. Venegavkar states that the police have registered 13 C.Rs in the said case.

10 Mr. Venegavkar seeks time to file affidavit-in-reply setting out all the aforesaid steps taken and which will be taken.

11 Stand over 29th June 2024. Affidavit-in-reply to be filed in the Registry on or before 12th June 2024. An advance copy thereof be served on the counsel for the respective petitioners.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.