



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

CRIMINAL WRIT PETITION NO.1103 OF 2024

Shakir Isalal Tamboli Petitioner

Versus

The State of Maharashtra and Ors. Respondents

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Ms.Lara Jesani i/b. Ms.Sanskruiti Yagnik, Advocate for the Petitioner.

Mr.H.S. Venegaonkar, PP a/w. Mrs.P.P. Shinde, APP for Respondent – State.

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*CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.*

DATE : 19th JANUARY 2024

P.C. :

By this Petition, the Petitioner seeks the following substantive reliefs:

“a. That this Hon’ble Court direct the Respondents to take immediate action in the abovementioned cases being FIR No.0259 of 2023 and FIR No.0392 of 2023 to properly prosecute and arrest Vikram Pavaskar and if required transfer the investigation to court monitored Special Investigation Team;

b. That this Hon'ble Court direct the Respondents to take immediate action in the abovementioned case being FIR No.0255 of 2023 read with Supplementary FIR No.2503 of 2023 to further investigate, arrest and prosecute all the accused in the matter, and arraign Vikram Pavaskar who enabled the said event by conspiring to commit communal violence;"

2 Learned counsel for the Petitioner submits that despite two incidences of hate-speech having taken place on 24 January 2023 and 2 June 2023, at Sangli, no steps have been taken by the police to arrest the person who gave the hate-speech. She submitted that as far as the incident of 24 January 2023 is concerned, the case was registered by the police only on 11 May 2023, after making several representations to the police for registration of an FIR. She submits that the police have breached the order dated 13 January 2023 passed by the Hon'ble Supreme Court *vis-a-vis* steps to be taken in such cases i.e. in cases of hate speech.

3 Learned counsel further submits that an incident took place on 21 August 2023, in which incident, one mosque was vandalized and people were lynched and that one person died in the

said incident and several were injured. According to the counsel for the Petitioner, one Vikram Pavaskar had incited/instigated Sangram Mane and others to vandalize the mosque and to fuel communal violence. She submits that the police have arrested only Sangram Mane, in whose house the alleged conspiracy took place, however, have not taken any steps *vis-a-vis* Vikram Pavaskar. She submits that pursuant to the incident of 21 August 2023, two FIR's came to be registered. She submits that on 21 August 2023, a conspiracy was hatched in the house of Sangram Mane in which Vikram Pavaskar incited, and, conspired with others to vandalize the mosque, and to create communal disharmony. She submitted that pursuant to the said conspiracy, the incident of 10 September 2023, took place in which one mosque was vandalized and one person died and several were injured. She submits that pursuant to the said incident, one FIR was registered with Pusesavali police station for the alleged offences punishable under Sections 302, 307 etc., of Indian Penal Code (IPC), which was registered *vide* C.R. No.255 of 2023. She submits that in the very case, another supplementary FIR was registered on 13

September 2013. She further submits that another FIR was registered with the very same police station i.e. C.R.No.256 of 2023, for the alleged offences punishable under Sections 353, 332 etc., of the IPC, and, under the provisions of the Prevention of Damage to Public Property Act, 1984. She submits that in both the cases, police have filed charge-sheet against some of the accused, however, no action has been taken against the main conspirator Vikram Pavaskar although he was named in the supplementary FIR dated 13 September 2023 (C.R.No.2503 of 2023).

4 She further submits that till date, no steps have been taken by the police to obtain sanction under Section 153A of IPC, as mandated by law in the cases registered with Vita Police Station and Islampur Police Station with respect to the incidents which had taken place on 21 August 2023 and 2 June 2023. She also submits that despite the police having video recorded the incident of 2 June 2023, as directed by the Apex Court, no steps were taken for immediate the arrest of the persons under Section 151 of Cr.P.C.

5 Mr.Venegaonkar, learned Public Prosecutor seeks time to take instructions. On his request, stand over to **2nd February 2024**.

6 At this stage, learned counsel for the petitioner states that the Petitioner apprehends danger to his life and to the life of the persons, who have given their statement in the said case against the accused, from the persons who have been arraigned as accused in the aforesaid cases. Mr.Venegaonkar states that he will speak to the superior authorities, and if required, appropriate steps will be taken to protect such persons including the petitioner.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.