

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

CRIMINAL WRIT PETITION (STAMP) NO. 14927 OF 2022

Vijay Tarun Mandal,
a Public Charitable Trust
through Nadeem Ismail Aga & Anr. ...Petitioners

Versus

The Senior Inspector of Police,
Mahatma Phule Chowk Police Station
& Ors. ...Respondents

Mr. Rajesh Datar i/b Mr. Dushyant Pagare for the Petitioners

Mrs. A. S. Pai, P.P. a/w Mrs. P. P. Shinde, A.P.P and Mr. Akshay Shinde
for the Respondents–State

Mr. Vijay Jagannath Salvi -Trustee of the Petitioner-Trust, is present

Mr. Dattatraya Shinde, Addl. Commissioner of Police, East Region,
Kalyan and Mr. Sachin Gunjal, Deputy Commissioner of Police,
Zone-3, Kalyan, are present

I.O. Mr. Ashok Honmane, Sr.PI from Mahatma Phule Chowk Police
Station is present

**CORAM : REVATI MOHITE DERE &
MADHAV J. JAMDAR, JJ.
[HOLIDAY COURT (IN CHAMBER)]
FRIDAY, 2nd SEPTEMBER 2022**

P.C. :

1 This Bench has been specially constituted to hear the aforesaid petition, having regard to the urgency.

2 The matter was circulated yesterday, however, since none appeared for the respondents-State, the matter was adjourned and kept today at 10:30 a.m.

3 Vide our order dated 1st September 2022, we had asked the Deputy Commissioner of Police as well as the Senior Inspector of Police of the Mahatma Phule Chowk Police Station to remain present. Pursuant thereto, today, the Additional Commissioner of Police, East Region, Kalyan, the Deputy Commissioner of Police, Zone-3, Kalyan as well as Senior Inspector of Police, Mahatma Phule Chowk Police Station, are present. Mr. Vijay Jagannath Salvi-Trustee of the petitioner- trust is also present.

4 During the course of the hearing of the aforesaid petition, it was agreed by the petitioners to delete some portion of the audio transcript which is at Exhibit `C` at page Nos. 43 and 44 of the petition, as well as to modify the visual clip, which, according to the respondent-authorities, was objectionable.

5 The modified copy of the audio script and visual clip is handed over to us, which is acceptable to both sides. The same is taken on record and marked as `X-1` and `X-2` for identification.

6 In view of the aforesaid, the petitioners are permitted to display the new audio visual clip at the Pandal, as per the modified audio transcript and visual clip tendered to us, today, subject to permissions of the authorities i.e. Fire Safety Certificate, NOCs for loudspeaker and traffic.

7 The Deputy Commissioner of Police, who is present in Chamber, states that appropriate permissions as far as loudspeaker and

traffic NOCs are concerned, will be issued today during the course of the day, before 6:00 p.m. Statement accepted.

8 At this stage, learned counsel for the petitioners states that the petitioners have submitted the Fire Safety Certificate to the concerned police station i.e. the respondent No.1. Learned P.P submits that the appropriate authority to issue the NOC (Fire Safety) is Kalyan-Dombivli Municipal Corporation.

9 Learned counsel for the petitioners states that an application will be filed before the Kalyan-Dombivli Municipal Corporation, forthwith. If an application for issuing NOC (Fire Safety)/any other application is filed in this connection, we direct the concerned authorities of the said Corporation to forthwith consider the same and communicate its decision to the petitioners, by 6:00 p.m. today. If no such permission is required, the same shall also be communicated by the said authorities to the petitioners. Additional Commissioner of Police assures to inform the concerned authorities of

the Kalyan-Dombivli Municipal Corporation of the order passed today, for ensuring compliance of the same. Statement accepted.

10 Having regard to what is stated aforesaid, nothing survives or further consideration in this petition. Petition stands disposed of.

11 Stand over to 5th September 2022, for recording compliance. To be listed at 2:30 p.m, on the production board. Personal presence of the concerned Officers is dispensed with.

12 All concerned to act on the ordinary copy of this order, duly authenticated by the Court Sheristedar.

MADHAV J. JAMDAR, J.

REVATI MOHITE DERE, J.