



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

952 CRIMINAL WRIT PETITION NO. 1432 OF 2024

MOHAN UTTAMRAO CHAVAN

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for the Petitioner : Mr. Salgar Suresh Prabhakar.

APP for Respondent-State : Ms. P. V. Diggikar.

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CORAM : S. G. MEHARE, J.

DATE : 29.08.2024

PER COURT :-

1. Heard the learned counsel for the petitioner and the learned APP for the respondent-State.

2. It is an interesting case. A petitioner is a Doctor. However, the petitioner did not instruct his learned counsel whether he is Medical Practitioner or a Doctor in Philosophy. He belongs to the *Banjara* Community. His *Mahant* went to the house of the Hon'ble former Chief Minister of Maharashtra Shri. Udhav Balasaheb Thakare and offered him a sweet (*prasad*) and the sacred ash (*vibhuti*). That function was videographed. After accepting sweet (*prasad*) and ash (*vibhuti*), he gave it to the another person standing beside him. The petitioner contended that he had to apply sacred ash on his forehead. Due to such acts, the petitioner felt that the said

celebrity has hurt his religious feelings. The programme was held at Bombay and the complaint was filed in the Court of Judicial Magistrate First Class, Nanded. He is the resident of Nanded.

3. Considering the facts, *prima facie* every person who is knowing little law would say that this is nothing but the abuse of process of law or using the judicial system to become famous and celebrity. Such petitions lower down the images of the respected members of the society. Most of the times, the petitions like this are filed with ulterior motive.

4. The learned Magistrate has correctly disbelieved the complaint of the petitioner and dismissed the petition. The learned Sessions Court also did the legal and correct job.

5. The Court expressed disinclination to entertain the writ petition with costs of Rs.2,00,000/- (Rupees Two Lakh). The learned counsel for the petitioner sought time to take the instructions.

6. The learned counsel has instructions to withdraw the writ petition. But he is asking to excuse the costs.

7. The allegations levelled against the Hon'ble former Chief Minister of State of Maharashtra appears basically without any

foundation. The Court is of the view that this is a fit case to impose the costs for abusing the process of law.

8. Leave granted to the petitioner to withdraw the writ petition with costs of Rs.2,00,000/- (Rupees Two Lakh) to be paid by the petitioner to the Hon'ble former Chief Minister Shri. Udhav Balasaheb Thakare within three (3) weeks from today and submit the compliance report to this Court.

9. If the order is not complied with, stringent action would be taken against him.

10. Petitioner should purchase a D.D. in the name of the Hon'ble former Chief Minister Shri. Udhav Balasaheb Thakare and go personally to his home and deliver it to his hand or to the person whom he directs.

11. In the above terms, writ petition stands dismissed as withdrawn.

(S. G. MEHARE, J.)

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vmk/-