

Order Below Ex.1

1] The charge-sheet is filed under Section 4(1) of Maharashtra Prevention of begging Act 1959.

2] As per Section 4(1) of the said Act, the police authority is allowed to arrest beggar without warrant. Section 5 of the Act enables summary inquiry by the court by following which the person may be detained in certified institution. Section 6 contemplates punishment for a person who had been previously detained in certified institution under the Act upon his being a found begging.

3] In a case ***Harsh Mandar and Others Vs. Union of India & Ors Writ Petition No.10498/2009*** and Criminal Appeal 1837/2010 decided on 8th August 2018, the Division Bench of Hon'ble Delhi High Court has held that in para 44 the provision under Section 4 to 10, 12 to 29 of Bombay Prevention of Begging Act, are unconstitutional and struck down the said provision.

4] On perusal of record, it is alleged that the person namely *Lahu Bandu Patole* was found by begging in public place. On perusal of record, the statement of the witness who saw the above person was not recorded. From the circumstances, there is no satisfactory material on record to come to the conclusion whether the above named person was found by begging. There is no record that the beggars was sent to certified institution as per Section 5. In the absence of said material there is no fruitful purpose would be served by keeping the case pending. Hence, the order.

ORDER

i) The summary proceeding under Sections 4(1) of Maharashtra Prevention of Begging Act is stopped vide Section 258 of the Code of Criminal Procedure, 1973.

ii) The original police papers be retained in “C” file for their use in the event of reopening the case under Section 300(5) of the Code of Criminal Procedure, 1973.

iii) P.R. bond if any stands cancelled.

Pune

Date:- 9.11.2022

(C.P. Shelke)
Judicial Magistrate, First Class
Court No.5, Pune

I affirm that the contents of this PDF file judgment are same word to word as per original judgment.

Name of Steno : Gilbile A.D.

Court Name : C.P.Shelke

Date : 09.11.2022

signed by P.O. on : 09.11.2022

uploaded on : 09.11.2022