

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIRCUIT BENCH AT KOLHAPUR  
CRIMINAL APPELLATE JURISDICTION  
CRIMINAL WRIT PETITION NO. 600 OF 2014**

Shailesh Prakash Chowgule .....Petitioner  
Vs.  
The State of Maharashtra & Ors .....Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 601 OF 2014**

Kamruddin Bavruddin Patel .....Petitioner  
Vs.  
The State of Maharashtra & Ors. ....Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 1065 OF 2014**

Raju @ Devappa Anna Shetti .....Petitioner  
Vs.  
The State of Maharashtra & Ors. ....Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 1066 OF 2014**

Raju @ Devappa Anna Shetti .....Petitioner  
Vs.  
The State of Maharashtra & Ors. ....Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 1067 OF 2014**

Raju @ Devappa Anna Shetti .....Petitioner  
Vs.  
The State of Maharashtra & Anr. ....Respondents

Mr. Sandeep Koregave, Advocate for Petitioners.  
Mrs. Shubhangi N. Deshmukh, APP, for the Respondents-State.

Mr. M. V. Biranje, HC/1198, Shirol MIDC Police Station is present.  
Mr. Y. C. Inamdar, PSI, Jaysingpur Police Station is present.  
Mr. D. A. Bhosale, PC, Hatkanangale Police Station is present.

**CORAM: ANIL L. PANSARE,  
RANJITSINHA RAJA BHONSALE, JJ.  
DATED: 28<sup>th</sup> APRIL 2026**

**PC.:-**

1. The issue involved in these Writ Petitions is identical. For the sake of convenience, we will refer to the facts of Writ Petition No.600 of 2014.
2. The challenge is to the order dated 23<sup>rd</sup> January 2014 passed by the Collector under Section 51 of the Mumbai Police Act, 1951, thereby imposing penalty amounting to Rs.5,051.28 Ps. each payable by the Petitioners for their act of causing alleged loss to public property. An FIR vide Crime Register No.118 of 2012 was registered against the Petitioners under Sections 341, 427, 323, 143, 147, 188 and 109 of the Indian Penal Code read with Sections 3 and 7 of the Prevention of Damage to Public Property Act, 1984 read with Section 135 of the Bombay Police Act, 1951.
3. The learned counsel for the Petitioners submits that this FIR is an outcome of agitation made by the Petitioners for not offering fair

price to them. The counsel further submits that the Petitioners were tried for the aforesaid offences and have been acquitted vide Judgment dated 22<sup>nd</sup> June 2016 passed by learned Judicial Magistrate, First Class, Kolhapur in Regular Criminal Case No.1 of 2014.

4. The argument is that since the Petitioners have been acquitted for the offences alleged, the penalty imposed for causing alleged damage to public property should have been withdrawn or ought to be set aside.

5. The another limb of argument is that unless the District Magistrate has passed orders specifying the area under question as the 'Disturbance Area' in terms of Sub-section (1) of Section 51 of the Bombay Police Act, 1951 ('the Act') he would not get jurisdiction to pass orders under Sub-section (3) of Section 51. According to Petitioners, the District Magistrate has not passed any order specifying the area under question to be a 'Disturbance Area' as required under Section 51(1) of the Act and, therefore, the impugned order passed under Section 51(3) of the Act is nullity.

6. The learned AGP shall take instructions.

7. Kept back.

(RANJITSINHA RAJA BHONSALE, J.)

(ANIL L. PANSARE, J.)

**Later on at 2:30 p.m. :**

8. The learned AGP seeks time to take instructions from the Respondent No.3. Since we find from previous orders that no instructions were given to learned AGP, the Respondent No.3 shall remain present before the Court tomorrow either physically or through video conferencing, if the instructions are not given to the learned AGP.

9. Stand over on **29<sup>th</sup> April 2026.**

(RANJITSINHA RAJA BHONSALE, J.)

(ANIL L. PANSARE, J.)