

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

**CRIMINAL PIL NO. 37 OF 2013  
WITH  
CRIMINAL APPLICATION NO. 2 OF 2015**

Jagannath Malhari Waghare & Ors. ... Petitioners  
Vs  
The Collector, Raigad & Ors. ... Respondents

**WITH  
CRIMINAL WRIT PETITION NO. 3816 OF 2012**

Santosh Krishna Jadhav & Ors. ... Petitioners  
Vs  
The State of Maharashtra ... Respondents

**WITH  
CIVIL CONTEMPT PETITION NO. 212 OF 2014**

Jagdish Atmaram Damshet ...Petitioner  
Vs  
Anshu Shinde, The Superintendent  
of Police & Anr. ...Respondents

Mr. Gayatri Singh with Ms. Debapriya Mukherjee for the Petitioners  
in Criminal PIL/37/2013 and Civil Contemp Petition No. 212/2014

Mr. Raja Pawar, Addl. Superintendent of Police from Raigad Police is  
present

**CORAM : V. M. KANADE &  
REVATI MOHITE DERE, JJ.**

**TUESDAY, 3<sup>rd</sup> FEBRUARY, 2015**

**P.C. :**

1. None appears on behalf of the State though the matter is specifically kept today for further direction. Despite the directions given by this Court on previous occasions, the practice of ex-communication of the petitioners and other residents of village is continuing. It is submitted that the petitioners and others who were ex-communicated and who had filed criminal complaint have now been assaulted by the accused and that, no police protection has been given to these petitioners.

2. We are really pained to know that though the village is just 100 kms away from Mumbai, the practice of ex-communication still prevails in the 21<sup>st</sup> century and the State Authorities have not taken any steps to give either police protection to the petitioners or to take prompt action against the perpetrators who have committed this crime.

3. We direct the State Government to take prompt action against the accused and others, who have, apart from ex-

communicating the petitioners from village, have assaulted them and are threatening them to withdraw the complaint. We direct the police that if necessary, action under Section 151 of the Code of Criminal Procedure or under the provisions of the Bombay Police Act may be taken, apart from initiation of externment proceedings. We had also directed the State Government to form Mohalla Committees to create awareness amongst the villagers so that the problem can be cut in bulk. However, it appears that the direction given by this Court has fallen on deaf ears and the State does not appear to be really concerned about this situation. We are afraid that this should not act as an epidemic and such kind of practices should not be repeated in other villages. We, therefore, direct the Advocate General to appear before us on the next date and inform us the steps taken by the police and the State administration to curb this evil practice of ex-communication, which is banned by the Constitution of India and by several other penal provisions.

4. We are informed that the main accused is an influential person and is an ex-sarpanch of the village. We are of the view that

the investigation should be transferred to the Crime Branch. We are informed that though several petitioners have filed complaints, their statements have been recorded as witnesses. The Crime Branch may consider registration of separate complaints and a report may be submitted to us about the steps taken by the Crime Branch within fifteen days from today.

5. Mr. Raja Pawar, the Additional Superintendent of Police has appeared before us in-person since the learned A.P.P is not present. He has informed us that externment proceedings have been initiated against the accused and 28 cases have been filed and approval is being sought from the Law and Judiciary Department as well as the State Government. We are of the view that in a case like this, formal approval of the State Government is not necessary. Since it is a cognizable offence, prompt action should be taken by the police and now by the Crime Branch, without waiting for the approval of the Government. Learned A.P.P Mr. J. P. Yagnik appeared at this stage.

6. Stand over to 17<sup>th</sup> February, 2015.
  
7. All concerned to act on the authenticated copy of this order.

**REVATI MOHITE DERE, J.**

**V. M. KANADE, J.**

