

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PIL-CJ-LD-VS- NO.17 OF 2020

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Sheshanath Mishra ...Petitioner
v/s.
State of Maharashtra & Ors. ...Respondents

...

Mr.Abad Ponda, Sr.advocate i/b Mr.Mukesh Gupta for the Petitioner.
Mr.Deepak Thakare, PP a/w Mr.S.R.Shinde, APP for the State.

WITH
O.O.C.J.

PIL-CJ-LD-VC-NO.19 OF 2020

...

Geeta Sesji & Ors. ...Petitioners
v/s.
Commissioner of Police, Gr.Mumbai ...Respondent

...

Mr.Mihir Desai,Senior counsel I/b Aditi Saxena for the Petitioner.
Mr.A. A. Kumbhkoni, Advocate General with P.H.Kantharia Government
Pleader and Himanshu Takke, AGP for the Respondent-state

CORAM : DIPANKAR DATTA, CJ.

A. A. SAYED, J.

DATED : 05 JUNE 2020

P.C.:

These two PIL Petitions challenge the legality of an order dated May 23, 2020 passed by the Dy.Commissioner of Police (Operations) and Executive Magistrate, Greater Mumbai under section 144 of the Code of Criminal Procedure.

2. According to the petitioners, the impugned order violates the rights guaranteed by Article 19(1)(a) of the Constitution.
3. Learned Advocate General for the State of Maharashtra, however, contends that the impugned order is perfectly legal in view of Article 19(2) of the Constitution.
4. In our view, the issue requires to be examined after considering the reply that the State may choose to file to support such order notwithstanding that a plain reading thereof reveals its validity to be effective till June 8, 2020, unless earlier withdrawn.
5. Copies of the PIL Petitions shall be served on the respective Respondents by the Petitioners' advocates-on-record by Wednesday next (June 10, 2020). The State shall have three weeks' time to respond by filing a counter affidavit; reply thereto, if any, may be filed one week thereafter.
6. The PIL Petitions shall be listed for hearing thereafter in due course.
7. The advocate-on-record in PIL-CJ-LD-VC-NO.19 OF 2020 is granted leave to amend the prayer clauses.

8. This order will be digitally signed by the Sr.Private Secretary of this Court. All concerned will act on production by fax or e-mail of a digitally signed copy of this order.

A.A.SAYED, J.

CHIEF JUSTICE