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906- WP- 4307-25.odt

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 4307 OF 2025

Communist Party Of India (marxist)
Through Its Representative Shailendra
Kamble And Ors.

.. Petitioners

Versus

State Of Maharashtra And Ors.

.. Respondents

Mr. Mihir Desai, Senior Advocate i/b. Rishika Agarwal, for the
Petitioner.

Mr. S.V.Gavand, Addl.PP for the Respondent-State.

Mr. Dnyaneshwar M. Avhad, PI (Law & Order), Administration Addl.
Charge, Azad Maidan Police Station, present.

Mr. Shirish Shivaji Shinde, API Azad Maidan Police Station present.

**CORAM: RAVINDRA V. GHUGE
&
GAUTAM A. ANKHAD, JJ.**

DATE: 12th AUGUST, 2025

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1. This matter was briefly heard yesterday, 11th August, 2025 and on
the request of the parties, was granted an overnight pass over.

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2. The learned APP submits on specific instructions from PI Shri.Dnyaneshwar Avhad, that the statutory authority would be permitting the Petitioner to have a peaceful assembly on 20th August, 2025.

3. He draws our attention to an affidavit filed by the Deputy Commissioner of Police Zone-I, Mumbai, dated 25th March, 2025 in the pending Writ Petition No.1203/1997. The compilation of the said affidavit (paginated as 118 to 134), is tendered to the Court. The same is marked as 'X-1' for identification. The learned APP draws our attention to the draft Regulations for Public Meets, Agitations and Processions Rules, 2025 (Under the provisions of the Maharashtra Police Act, 1951). The said draft regulations were prepared by the Commissioner of Police, Greater Mumbai. These draft rules are from page No. 124 to 133, below X-1.

4. The learned Senior Advocate Shri. Desai, draws our attention to the draft Rule 3, which pertains to the identification of a place. He points out Azad Maidan Ground (Part), opposite Mumbai Municipal Corporation main office, under the Territorial jurisdiction of the Azad Maidan Police Station, Mumbai, to be the designated place. He also points out draft Rule 10, which pertains to time restrictions, which are prescribed between 9.00 a.m. to 6 p.m.

in the Designated Area. He also points out draft Rule No.11, which prescribes various types of restrictions on such peaceful assemblies, agitations, public meets, processions etc.

5. The learned APP Shri. S.V. Gavand, further points out the Order passed by the Hon'ble Chief Justice's Bench dated 26th March, 2025 in Writ Petition No.1203/1997, in which affidavit X-1 was filed. Paragraph Nos. 2 to 6 of the said Order dated 26th March, 2025 are reproduced here under for clarity:

2. This petition, which has been filed as Public Interest Litigation, seeks a direction to respondent nos. 1 to 5 to take immediate action for stopping nuisance by disallowing any morchas, dharnas, agitations, gatherings on J. N. Tata Road, a terminating point, and to ensure that no loudspeakers or other sound amplifying system or powerful lights or music be played or fire crackers be burst on the said J. N. Tata Road.

3. A Division Bench of this Court by an order dated 12th March, 2020 had taken note of submissions made by the learned Additional Government Pleader for State that the State Government has already commenced the exercise under Section 33 of the Maharashtra Police Act, 1951 and that the regulations shall be framed within a period of eight weeks. Taking note of the aforesaid submissions, this Court on 18th February, 2025 had granted time to State.

4. In compliance of the order dated 18th February, 2025, an affidavit has been filed by the Deputy Commissioner of Police, Zone-I, Mumbai, stating that to regulate public meetings, agitations and processions, Rules under Section 33 read with Section 36 (1)(o) of the Maharashtra Police Act, 1951 have been framed. Along with the affidavit, copy of the aforesaid Rules has also been annexed. The learned Additional

Government Pleader states that the aforesaid Rules shall be notified within a period of two weeks.

5. In view of the aforesaid submissions and in the facts and circumstances of the case, we deem it appropriate to direct the respondents-State to notify the Rules upto second week of April, 2025. Needless to state that once the Rules are notified, the same shall be implemented in letter and spirit. Liberty is also granted to the petitioners to challenge the aforesaid Rules in case the petitioners are so aggrieved.

6. With the aforesaid liberty, the writ petition is disposed of.

6. Shri. Desai, the learned Senior Counsel submits on instructions that now that the authorities have decided to grant permission to the Petitioners to hold the peaceful assembly, the Petitioners desire to hold it in between 3.00p.m. to 6.00 p.m. They would be holding the peaceful assembly for expressing their thoughts on the Genocide purportedly occurring in Gaza. Shri Desai, further submits that draft Rules 11 and 12 of the afore stated draft Rules, which describe prohibition and responsibilities of the organisers, would be strictly followed by the Petitioners.

7. In view of the above, by consent of the parties, **this Petition is disposed off.**

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]