

CNR NO.MHMM120211132021

IN THE COURT OF METROPOLITAN MAGISTRATE
25TH COURT, MAZGAON, AT SEWREE, MUMBAI.

ORDER BELOW EXH. 1 IN C.C. No.3410/MISC/2021

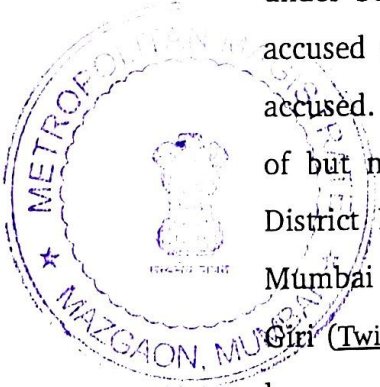
The complainant has filed complaint against accused alleging that, accused has committed offence punishable under section 188, 269, 270 R/w 34 of the Indian Penal Code, section 3 of Epidemic diseases Act., and Section 51 of the Disaster Management Act.

2 The complainant submits that, he is the businessman and has occupied privileged post of being President of the Indian Bullion and Jeweller's Association in the past. He has number of businesses including that of construction, hospitality and ethanol plants under the KBJ Group of companies. The complainant has file Criminal Complaint bearing CC No.7684/SS/2021 before this Court against the accused under Section 500 of Indian Penal Code. Process was issued against accused and the matter was kept on 29/11/2021 for appearance of accused. The accused through his agents and party workers comprising of but not constrained to Sultan Salim Baig ([Twitter@SultanBaigNYC](https://twitter.com/SultanBaigNYC)) District President, North West Mumbai Nationalist Youth Congress, Mumbai NYC (NCP), Gautam Sasane ([Twitter@Gautamsasane07](https://twitter.com/Gautamsasane07)), Sunil Giri ([Twitter@sunilgirincp](https://twitter.com/sunilgirincp)), Vadivel Konar ([Twitter@VadivelKonar](https://twitter.com/VadivelKonar)) and ors., known and unknown have effected social media posts on Twitter platform and Whatsapp forwards, inviting the public en masse to Sewree Magistrate Court on 29/11/2021 at 10.30 am. The various posts read as follows :-

#“SACH KO CHORO NE LALKARA DENGE JAWAB KARARA.”

#“CHALO MAGISTRATE COURT SEWREE”

#“HUM SACH KE SATH HAI, HUM NAWAB KE SATH HAI, SACH NA



TOH ZUKEGA AND NA TOH RUKEGA”

#“CHALO MAGISTRATE COURT SEWREE 29TH NOVEMBER 2021 AT 10.00 AM.”

It is pointed out by the complainant that, the hashtags are #nawabmalik#nawabmalikmyhero and tagging with the official Twitter handle of Nawab Malik @nawabmalikncp @officeofNM @advnileshbhosale @MumbaiNCP @NCPspeaks. Another post by Sultan Salim Baig portrays the caption “Sach na toh jhukega and no toh rukega !!! chalo Magistrate Court Sweree on 29th November 2021 at 10.00 am., Har Sawal Ka Jawab Hamara Nawab”, portraying alongwith the back shot image Nawab Malik, the image of Sameer Wankhede of Narcotics Control Bureau. Similar invites have been issued by Gautam Sasane, Sunil Gil and Vadivel Konar. It reaffirms that, said accused persons acted at the behest of Nawab Malik.

3) The complainant further submits that, Covid-19 Virus has plunged into our nation and worldwide. Now new Variant such as Delta and Omicron has caused central Government and State Government to take cognizance of the same. The State Government has issued fresh guidelines on 27/11/2021 under Epidemic Diseases Act and Disaster Management Act. However, the party workers, agents and other people were gathered near the building of Magistrate Court of Sewree on 27/11/2021 at 10.00 am., on invitation on social media such as Twitter and Whatsapp resulting in to putting at risk lives of Judicial Officers, Lawyers, Litigants, Police Officers, Court Staff and themselves.

4) The complainant, in support of his case relied upon the cases of *Lalita Kumari V/s Government of UP and ors.*, [(2014)2 SCC1], *Sakiri Vasu V/s. State of UP (2008) 2 SCC 409*. The Learned Counsel for Complainant made reference of case of *Naresh*

Bhaishankar Rawal Vs/ The State of Maharashtra ABA542021 decided on 07th July 2021 by Honourable Sessions Court Dindoshi. He also relied on the case of *HEMANT YASHWANT DHAGE V/S STATE OF MAHARASHTRA AND ORS. Criminal Appeal No.210 of 2016.* The ld. Counsel for complainant argued that, in view of above discussed cases direction be issued to the Police for registration of FIR against accused as per provision under section 156(3) of The Code of Criminal Procedure.

5) Perused documents produced on record filed by the complainant in support of his complaint. The complainant has filed his affidavit, printout of photos of Police Bandobast and crowd gathered near the Court building Sewree, order of the Government of Maharashtra under Disaster Management Act dated 27 November 2021, Pen-drive of the Video Clip and its certificate under section 65B of the Indian Evidence Act. Considering nature of offences alleged against accused there are no grounds as such to direct the Police for investigation under section 156(3) of The Code of Criminal Procedure. Hence I pass following order:-

ORDER

- 1 The prayer of the complainant for investigation under section 156(3) of The Code of Criminal Procedure is rejected.
- 2 The matter be put up for recording verification statement of the Complainant on 30/12/2021 as per provisions under section 200 of The Code of Criminal Procedure.

Date:- 18/12/2021.

(P. I. Mokashi)
Metropolitan Magistrate,
25th Court, Mazgaon, at Sewree, Mumbai.