



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
WRIT PETITION (L) NO. 21126 OF 2023**

National Lawyers Campaign for Judicial  
Transparency and Reforms & Ors. ... Petitioners

**V/s.**

State of Maharashtra & Ors. ... Respondents

Mr. Mathewd Nedumpara a/w Hemali Kurne and Sandhya  
Tirmare for Petitioners.

Mr. Manish Upadhye, AGP for State of Maharashtra.

**CORAM : DEVENDRA KUMAR UPADHYAYA, CJ. &  
ARIF S. DOCTOR, J.**

**DATED : 03<sup>rd</sup> NOVEMBER, 2023.**

**P.C. :**

1. We have heard Mr. Nedumpara, learned counsel representing the Petitioners and learned AGP representing the State of Maharashtra-Respondent No.1.

2. These proceedings under Article 226 of the Constitution of India have been instituted seeking a declaration that Section 353 of the Indian Penal Code introduced by Code

of Criminal Procedure (Maharashtra Amendment) Act, 2017 enhancing the punishment for the offence defined under the said Section from 2 to 5 years and making it an offence triable by a Sessions Judge, is ultra vires, unconstitutional and void. Certain other prayers have also been made in the Writ Petition.

3. Learned AGP has brought to our notice a Government Resolution dated 22<sup>nd</sup> February, 2023, whereby, a high level committee, chaired by none other than Hon'ble Chief Minister, has been constituted to look into various aspects of Section 353 of the Indian Penal Code as is applicable in the state of Maharashtra. This committee comprises of Hon'ble Chief Minister, Hon'ble Deputy Chief Minister, who is its co-chair person, Hon'ble Minister of Parliamentary Affairs, leader of opposition in the Legislative Council, leader of opposition in the Legislative Assembly and two honourable members of Legislative Council and three other members of the Legislative Assembly. The Additional Chief Secretary (Home), Principal Secretary (Law and Justice) and Principal Secretary (Home-Special) are the members of the said committee. The Principal Secretary (Home-Special) is its Member Secretary. Apart from

the aforesaid members of the committee, during deliberations, others can also be permitted to participate as special invitees such as Director General of Police and other officers as per the requirement. The said Government Resolution dated 22<sup>nd</sup> February, 2023 is taken on record.

4. The submission made in the Writ Petition primarily centers around the alleged atrocities on the lawyers, specially by the members of police force.

5. Since all the aforesaid aspects appear to be under review at the government level itself as the same are being considered by the committee constituted under the Government Resolution dated 22<sup>nd</sup> February, 2023, no purpose would be served in keeping this Writ Petition pending before this Court, which is hereby disposed of with the liberty to the Petitioners to make an appropriate written representation setting out their grievances and making suggestions as well, to the committee through its Member Secretary. It is further directed that the written representation by the Petitioners may be made within a fortnight from today and in case any such

representation is made and suggestions are given under this order, the same shall be considered by the committee. It is also provided that in case the committee feels it appropriate, the Petitioners may also be provided opportunity of hearing, however it shall be at the discretion of the committee.

6. The Writ Petition thus stands finally disposed of. We request the learned AGP to communicate this order to the Principal Secretary (Home-Special), Government of Maharashtra.

**(ARIF S. DOCTOR, J.)**

**(CHIEF JUSTICE)**