

SYNOPSIS

That the issue pertains to the mob lynching and unfortunate death of two Saints associated with "Shri Panchdashnaam Joonaa Akhada" namely Sh Chikne Maharaj Kalpavrukshagiri age 70 years and Sh Sushilgiri Maharaj Kalpavrukshagiri age 35 years (herein referred to as "Saints") along with their car driver Sh Nilesh Telgase aged 30 years dated 16.04.2020.

That the above named Saints were travelling from Mumbai to Surat, Gujrat to attend the funeral of their Guru Shri Mahant Ram Giriji in a car along with Sh Nilesh Telgare.

As per the reports published in various media portals, their car was stopped by a mob of over 200 people while they were passing from Gadhchinchale Village, Kosa, Palghar, Maharashtra. After stopping the car, mob first pushed the car upside down and started pelting stones thereafter. This happened despite of the fact that whole country is under Lockdown since 25.03.2020 and that no person is allowed to be out of their house and everyone has been asked to follow social distancing which raises a huge suspicion on part of local police.

Around 11 PM, someone called and informed the Police Station Kasa after which police officials reached the place of

incident. They took the Saints and Sh Nilesh Telgare in their custody and made them sit in their police jeep. However the berserk mob pulled them out of the police jeep and lynched them. In front of the police officials, they started beating the Saints and Sh Nilesh Telgare with sticks, rods, knives etc and murdered them in most cruel and disastrous manner and also snatched their money etc. During this whole incident, Police didn't take any concrete step to protect these innocent men which could be proved by the fact that they didn't use any force to disperse the crowd and one of the video even shows that one of the police official actually pushed Saints to the crowd when they were asking for the protection.

That it is pertinent here to mention that the Sadhus lynched in Palghar belonged to Dashami Juna Akhara. The Dashnamis fought a war against invaders in past and protected the old city Kashi (Varanasi). Also, they were the first to fight British in Sannyasi Rebellion. Attack on them is more like an attack on our society as a whole and could cause social disturbance.

That even the National Human Rights Commission have issued a notice to the Police Chief of Respondent No. 2 calling

for a detailed report within four weeks about the said incident while observing that the incident is apparently indicative of “negligence by the public servants”.

Therefore, it is to sub-serve the interest of justice the Petitioner herein vide present Petition seeks the indulgence of this Hon’ble Court.

LIST OF DATES AND EVENTS

DATE(S)	EVENTS
24.03.2020	<p>Ministry of Home Affairs (MHA), Government of India has issued an Order under Section 10(2)(I) of the Disaster Management Act, directing the Ministries/ Departments of Government of India, State/Union Territory Governments and State/ Union Territory Authorities to take effective measures for ensuring social distancing so as to prevent the spread of COVID-19 in the country. The Order shall remain in force, in all parts of the country, for a period of 21 days with effect from 25.03.2020.</p> <p>True copy of the order dated 24.03.2020 is annexed herewith as Annexure P-1 (Page 15-16)</p>
15.04.2020	<p>Ministry of Home Affairs (MHA), Government of India has issued an Order under Section</p>

10(2)(I) of the Disaster Management Act, directing the extension of lockdown until 03.05.2020.

True copy of the order dated 15.04.2020 is annexed herewith as **Annexure P-2** (Page No. 17-31)

16.04.2020

Two Saints associated with "Shri Panchdashnaam Jona Akhada" namely Sh Chikne Maharaj Kalpavrukshagiri age 70 years and Sh Sushilgiri Maharaj Kalpavrukshagiri age 35 years (herein referred to as "Saints") along with their car driver Sh Nilesh Telgase aged 30 years. That the above named Saints were travelling from Mumbai to Surat, Gujrat to attend the funeral of their Guru Shri Mahant Ram Giriji in a car along with Sh Nilesh Telgare. As per the reports published in various media portals, their car was stopped by a mob of over 200 people while they were passing from Gadhchinchale Village, Kosa, Palghar,

Maharashtra. After stopping the car, mob first pushed the car upside down and started pelting stones thereafter. Around 11 PM, someone called and informed the Police Station Kasa after which police officials reached the place of incident. They took the Saints and Sh Nilesh Telgare in their custody and made them sit in their police jeep. However the berserk mob pulled them out of the police jeep and lynched them. In front of the police officials, they started beating the Saints and Sh Nilesh Telgare with sticks, rods, knives etc and murdered them in most cruel and disastrous manner and also snatched their money etc. During this whole incident of lynching, Police didn't take any concrete step to protect these innocent men which could be proved by the fact that they didn't use any force to disperse the crowd and one of the video even shows that one of the police official actually pushed Saints to

the crowd when they were asking for the protection.

Youtube links of the videos of the alleged incident are as follows:

<https://www.youtube.com/watch?v=ukgRI6cz7B4>

<https://www.youtube.com/watch?v=iNsRcq3nHOI>

16.04.2020

That on 16.04.2020, an FIR bearing no. 77 of 2020 was registered in PS Kasa u/s 302, 120B, 427, 147, 148 and 149 of Indian Penal Code against 5 people.

True translated copy of the FIR no.77 of 2020 is annexed herewith as **Annexure P-3** (Page No. 32-34)

19.04.2020

Various Media houses started covering the news of Mob Lynching of Palghar.

Copy of the News report of Republic World dated 19.04.2020 is Annexed herewith as **Annexure P-4** (Page No. 35-39)

- 20.04.2020 2 Police officials suspended with immediate effect for alleged negligence on duty.
- Copy of the news report of India Today dated 20.04.2020 is annexed herewith as **Annexure P-5** (Page No. 40-45)
- 22.04.2020 That the National Human Rights Commission have issued a notice to the Police Chief of Respondent No. 2 calling for a detailed report within four weeks about the said incident while observing that the incident is apparently indicative of "negligence by the public servants".
- Copy of the news report of "The Hindu" dated 22.04.2020 is annexed herewith as **Annexure P-6** (Page No. 46-50)
- 22.04.2020 That the Home Minister of Respondent No.2 released a list of 101 people booked in relation to this incident.
- True translated copy of the list released by the verified Twitter handle of Sh Anil Deshmukh, Home Minister,

Maharashtra(@AnilDeshmukhNCP) is

annexed herewith as **Annexure P-7**

(Page No. 51-56)

27.04.2020

Hence this petition

IN THE SUPREME COURT OF INDIA

[S.C.R. ORDER XXII RULE 2(1)]

EXTRAORDINARY CRIMINAL WRIT JURISDICTION

WRIT PETITION (CRIMINAL) NO.: _____ OF 2020

[In the Matter of Public Interest Litigation]

IN THE MATTER OF:

SHASHANK SHEKHAR JHA
S/o SHRI S. K. JHA
AGED 26 YEARS

... PETITIONER

VERSUS

- 1. UNION OF INDIA**
THROUGH CABINET SECRETARIAT
MINISTRY OF HOME AFFAIRS,
SHASTRI BHAWAN
RAJENDRA PRASAD ROAD
NEW DELHI- 110001

... RESPONDENT NO. 1

- 2. STATE OF MAHARASHTRA**
THROUGH ITS CHIEF SECRETARY
MANATRALAYAA MUMAI,
MAHARASHTRA- 400032

... RESPONDENT NO. 2

TO,
THE HON'BLE CHIEF JUSTICE OF INDIA
AND HIS COMPANION JUSTICES OF
THE SUPREME COURT OF INDIA
THE HUMBLE PETITION OF THE
PETITIONER ABOVE-NAMED

MOST RESPECTFULLY SHEWETH:

1. The present Writ Petition under Article 32 of the Constitution of India is being filed by the Petitioner to enforce fundamental rights, particularly the Right to Equality before law (Article 14).

ARRAY OF PARTIES

2. That, the present writ petition is filed under Article 32 of the Constitution of India and is being filed by way of a Public Interest Litigation by the petitioner who does not have any personal interest over the subject-matter.
3. That the petitioner is a practicing advocate enrolled with Bar Council of India and is acting as an officer of the court and is concerned about the overall development of

the country, its citizens, children, human rights and overall growth of the Bharat.

- 4.** That the petitioner is filing the present petition on his own and not at the instance of anyone else. Petitioner doesn't have any personal interest or any personal gain or private motive or any other oblique reason in filing this Writ Petitioner in Public Interest.
- 5.** That the petitioner is not involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition.
- 6.** The Respondent No. 1 is the Union of India, represented by Home Secretary which is the appropriate party responsible in dealing with safeguarding the fundamental rights of all the Indians.
- 7.** The Respondent No. 2 is the State of Maharashtra, represented by Home Secretary which is the appropriate party responsible in dealing with safeguarding the fundamental rights of Indians living in Maharashtra.
- 8.** That the concerned government authorities were not moved for any relief sought in this Petition, since India is under Lockdown due to the Pandemic named Covid-19

and it would have been difficult to approach the concerned government authorities in such time. Therefore, it was not logical & feasible to move the concerned governments for an immediate and effective relief.

FACTS OF THE CASE:

- 9.** The brief facts that give rise to the present Writ Petition is Right to Equality before Law (Article 14).
- 10.** That the Petitioner firmly believe that the Indian constitution guarantees Right to Equality before Law. Therefore, this Writ Petition has been moved under Article 32 of the Constitution of India, which seeks to grant the justice to the deceased in a mob lynching case in Palgarh and to protect the future of the nation from getting used insincerely as 'puppet' and a mode to achieve social, political or religious goals.
- 11.** That the petition pertains to the mob lynching and unfortunate death of two Saints associated with "Shri Panchdashnaam Jona Akhada" namely Sh Chikne Maharaj Kalpavrukshagiri age 70 years and Sh Sushilgiri Maharaj Kalpavrukshagiri age 35 years (herein referred

to as "Saints") along with their car driver Sh Nilesh Telgase aged 30 years dated 16.04.2020. This incident violated their Right to life guaranteed under Article 21.

12. That the above named Saints were travelling from Mumbai to Surat, Gujrat to attend the funeral of their Guru Shri Mahant Ram Giriji in a car along with Sh Nilesh Telgare.

13. As per the reports published in various media portals, their car was stopped by a mob of over 200 people while they were passing from Gadhchinchale Village, Kosa, Palghar, Maharashtra. After stopping the car, mob first pushed the car upside down and started pelting stones thereafter. This happened despite of the fact that whole country is under Lockdown since 25.03.2020 and that no person is allowed to be out of their house and everyone has been asked to follow social distancing which raises a huge suspicion on part of local police.

14. Around 11 PM, someone called and informed the Police Station Kasa after which police officials reached the place of incident. They took the Saints and Sh Nilesh Telgare in their custody and made them sit in their police jeep.

However the berserk mob pulled them out of the police jeep and lynched them. In front of the police officials, they started beating the Saints and Sh Nilesh Telgare with sticks, rods, knives etc and murdered them in most cruel and disastrous manner and also snatched their money etc. During this whole incident, Police didn't take any concrete step to protect these innocent men which could be proved by the fact that they didn't use any force to disperse the crowd and one of the video even shows that one of the police official actually pushed Saints to the crowd when they were asking for the protection.

15. That it is pertinent here to mention that the Sadhus lynched in Palghar belonged to Dashami Juna Akhara. The Dashnamis fought a war against invaders in past and protected the old city Kashi (Varanasi). Also, they were the first to fight British in Sannyasi Rebellion. Attack on them is more like attack on our society as a whole and could cause social disturbance.

16. That it is also pertinent here to mention that in the said event, it could be evaluated that the whole incident was

pre-planned and there could be police involvement as well.

17. That on 16.04.2020, an FIR bearing no. 77 of 2020 was registered in PS Kasa u/s 302, 120B, 427, 147, 148 and 149 of Indian Penal Code against 5 people namely:

- a. Jairam Dhak Bhavar, age 25 yrs, R/o- Divashipaiki,
Gadgapada
- b. Mahesh Sitaram Raute, age 19 yrs, R/o Kinvhavali,
Khomarpada
- c. Ganesh Devji Rao, age 31 yrs, R/o Divashipaiki,
Vakipada
- d. Ramdas Roopji Asare, age 27yrs, R/o Gadchnchale,
Sathepada
- e. Suhil Somji Raute, age 25 yrs, R/o Gadchinchale,
Patilpada

18. That the Home Minister of Respondent No.2 have released a list of 105 people they have booked in relation to this incident.

19. That the National Human Rights Commission have issued a notice to the Police Chief of Respondent No. 2 calling

for a detailed report within four weeks about the said incident while stating that:

"The commission has observed that the incident is apparently indicative of negligence by the public servants. The death of three persons in such a cruel manner by the unruly mob, that too during a countrywide lockdown, under extra vigil by the administration and police, amounts to gross violation of the right to life of the victims."

"The video of the attack went viral on April 19, which showed that police personnel were also present when the victims were being attacked."

20. That the Respondent No.2 have suspended two police officials with immediate effect, however there were around 12-13 police officials at the time of incident and everyone needs to be thoroughly investigated.

21. In light of the aforesaid facts, the following issues have arisen:

A. Whether the Right to life guaranteed under Article 21 was snatched under the protection of those who had the responsibility to protect it?

- B. Whether the incident of lynching occurred due to negligence by the public servants?
- C. Whether Equality before Law as guaranteed under Article 14 can be ensured by the Court of law to maintain social justice and trust upon judicial system?
- D. Whether this case could be investigated by a Judicial Commission or SIT or CBI under the supervision of this Hon'ble Court?
- E. Whether the trial of this case could be transferred to a fast track court of Delhi or any other state so that the trial could be completed in a time bound manner?
- F. Whether a criminal case could be registered under relevant sections of IPC against the concerned police officials for their involvement in the said lynching?
- G. Whether a fresh direction be issued to Respondent No.1 to take steps enacting the law against mob lynching?
- H. Whether or not the state has a responsibility to protect the life and liberty of Sadhus and Saints?

22. GROUNDS:

- i. That despite of having a complete lockdown, the said incident of lynching took place in presence of police officials which took away the life of three people who were under police protection. This is a shame on society and is against the Right to life guaranteed to the citizens of this nation under Article 21.
 - ii. That the involvement of police in the said lynching not only shaken the faith of millions in the Police forces but has also made it impossible to trust the investigation carried on by the same police officials.
 - iii. That the true spirit of liberty, equality, and fraternity could be achieved through medium of proper investigation and just judgment which could be achieved only if the case is investigated by a Judicial Commission/SIT/CBI under the supervision of this Hon'ble court.
- 23.** That the petitioner is moving this Petition for directions to protect and safeguard the fundamental rights of deceased for equality before law under Article 14 who

have already lost their Fundamental right to live under 21 'in-front of' and 'in custody' of those who had the responsibility to protect it, since the Petitioner has no alternate efficacious remedy but to approach this Hon'ble Court under Article 32 of the Constitution of India for the reliefs prayed for herein.

- 24.** That the petitioner has moved this petition for the first time in respect of the subject-matter, i.e., for issuance of directive in respect of safeguarding fundamental rights under Article 14 against the aforesaid Respondent.
- 25.** That this Hon'ble Court has the jurisdiction to entertain and try this Petition.
- 26.** That the petitioner crave for leave to alter, amend or add to this Petition.
- 27.** That the petitioner seeks leave to rely on documents, a list of which, along with true typed copies has been annexed to this Petition.
- 28.** That this Petition has been made bona fide and in the interest of justice.

- 29.** That the petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.

P R A Y E R

THEREFORE in the light of the aforementioned factual and legal position, it is most respectfully prayed that this Hon'ble Court may be pleased to:

- i. Issue a Writ, Order, or Direction in the nature of Mandamus or any other to constitute a judicial commission headed by a retired judge of this Court or an SIT monitored by this Hon'ble Court;
- ii. In alternative, issue a Writ, Order, or Direction in the nature of Mandamus or any other directing the Central Bureau of Investigation to conduct the investigation monitored by this Hon'ble Court;
- iii. Issue a Writ, Order, or Direction in the nature of Mandamus or any other directing the transfer of the trial from Palghar, Maharashtra to Fast Track Court of Saket Court, Delhi or any other fast track court in Delhi;

- iv. Issue a Writ, Order, or Direction in the nature of Mandamus or any other directing the Respondent No. 2 to register FIR against the concerned police officials under relevant provisions of IPC;
- v. Issue a Writ, Order, or Direction in the nature of Mandamus or any other directing Respondent No.1 to comply with the directions/recommendations of this Hon'ble Court in case Tehseen S Poonawala and Ors Vs Union of India vide WP© No. 754 of 2016.
- vi. Pass such other order(s) as this Hon'ble Court may deem fit in the interest of justice and equity.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:

Rashi Bansal,

AOR Code: 2597

APPENDIX

Articles 14 and 21 of the Constitution of India

Article 14:-

Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

Article 21:-

Protection of life and personal liberty

No person shall be deprived of his life or personal liberty except according to procedure established by law

TRUE COPY