

PDP

Cri.SMWP-1-2026.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
SUO MOTO WRIT PETITION NO. 1 OF 2026
WITH
INTERIM APPLICATION NO. 2514 OF 2026**

High Court on its own Motion

.. Petitioner

Vs.

Ramesh Sukrya Mhatre & Ors.

.. Respondents

...

Shri Ashok Mundargi, Senior Advocate, appointed as *Amicus Curiae* along with Shri Niranjana Mundargi.

Ms. Sana Raees Khan a/w Taraq Sayed a/w Ashwin Achari a/w Jinay Jain a/w Aditya Singh for Respondent No.1.

Ms. Sana Raees Khan, Appointed by the Court, for Respondent Nos. 2 to 4

Dr. Milind Sathe, Advocate General with Shri Shishir Hiray, Public Prosecutor and Shri Kumar Saste, Addl. Public Prosecutor with Ms. Rasika Satone, Shri Shubham Joshi, Sanjay Kokne, Devavrat Hiray, Ankit Patil and Krishna Jaiwar and, for Respondent No.5-State.

Shri S. U. Kamdar, Senior Advocate and Shri Chirag Kamdar a/w Kaustav Dev i/by Nahush Shah Legal for Applicant-Intervener in IA/2514/2026.

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

DATE : 22nd JULY, 2026.

P.C. :

1. The learned Advocate, Ms. Sana Khan has appeared on behalf of Respondent No.1. She submits, on instructions, that she can also appear on behalf of Respondent Nos.2 to 4, who are presently lodged in the Adharwadi Jail at Kalyan. She tenders the affidavit in reply on behalf of Respondent No.1, which is taken on record.

2. The learned Advocate General has tendered two compilations to the Court. The first compilation contains the compliance report and other documents (1-19 pages). The same is taken on record and marked as 'X-3' for identification. The second compilation contains the documents like the F.I.R. and certain statements, certain orders of remand etc. (1-35 pages). The said compilation is taken on record and marked as 'X-4' for identification.

3. The Indian Medical Association, Maharashtra State, has filed an Interim Application bearing No. 2514 of 2026, seeking intervention. The said Interim Application is not on Board. The same is taken on Board. The learned Senior Advocate, Shri Kamdar submits that the Association stands by the three Doctors who have been brutally assaulted by Respondent Nos.1 to 4. They wish to assist the Court in respect of the incident of assault dated 6th July, 2026. The victims of the assault are members of the Applicant-Association.

4. The learned Advocate for Respondent Nos. 1 to 4 submits that if the application is being allowed and the Association is permitted to intervene, she would also make submissions on behalf of Respondent Nos.1 to 4 to counter their submissions in this matter.

5. In view of the above, **the Interim Application No. 2514 of 2026 is allowed.** The Indian Medical Association, State of Maharashtra, will be arrayed as Respondent No.6 by the Registry of this Court.

6. The learned Senior Advocate, Shri Mundargi, who has been appointed as *Amicus Curiae* in this matter, submits that he would draft a memo of the Petition with the compilation of all the annexures and tender it to the Court on Monday, 27th July, 2026.

7. In the meanwhile, we direct the State of Maharashtra to ensure that the CCTV footage for the dates 8th July, 2026 till 10th July, 2026 and 13th July, 2026 till 15th July, 2026, from Civil Hospital, Thane, shall be downloaded and shall be kept ready, if this Court desires to peruse the said CCTV footage on Monday, 27th July, 2026.

8. Similarly, we direct the management of the Shashtrinagar Hospital operated by Kalyan Dombivali Municipal Corporation (KDMC), to download the CCTV footage of the actual assault on 6th July, 2026 between 7.00 p.m. to 11.00 p.m. and keep the said CCTV footage ready for the perusal of the Court, if we desire to see it.

9. We are informed that after Respondent No.1 surrendered to the Vishnunagar Police Station, he was presented before the learned Magistrate on 19th July, 2026 and he has been granted Magisterial Custody Remand (MCR) till 3rd August, 2026.

10. The learned Senior Advocate, Shri Kamdar refers to the Office Memorandum dated 16th August, 2024 issued by the Central Government, Ministry of Health & Family Welfare, Directorate General of Health Services, by which, it is recorded that in the event of any violence against any health care worker while on duty, the Head of the Institution shall be responsible for filing an Institutional FIR within a maximum of 6 hours of the incident. He, therefore, raises a question as to why the KDMC did not initiate steps to register an FIR against the four accused after the three Doctors were brutally beaten by the said accused inside the hospital premises. According to him, the silence of the KDMC is conspicuous. In view thereof, we direct adding of the KDMC, through its Commissioner, as Respondent No.7. The Registry shall forthwith make an addition of the said party.

11. Issue notice to the added respondents. The learned Advocate, Shri Kaustav Dev along with Senior Advocate, Shri Kamdar has waived service of notice on behalf of the Indian Medical Association, Respondent No.6. The

Registry is directed to serve an e-mail on the Commissioner of the KDMC intimating the next date of hearing in this matter.

12. Stand over to **27th July, 2026 at 4.00 p.m.**

13. The order passed by this Court on 18th July, 2026, by which, both the bail orders dated 14th July, 2026 and 17th July, 2026 have been stayed, shall continue until further orders.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, ACJ.]

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