

Salman acquittal, beef ban, Maggi dominated Maharashtra legal scene in 2015

By PTI | 1 Jan, 2016, 02.16PM IST

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MUMBAI: Petitions challenging the beef ban, hearing on death penalty awarded to German Bakery blast accused Himayat Baig, plea of scam-tainted Adarsh housing society questioning demolition order of Union government and acquittal of actor [Salman Khan](#) in the 2002 hit-and-run case dominated the legal scenario in Maharashtra in 2015.

Investigations into the murder of activists Narendra Dabholkar and Govind Pansare were also challenged in the high court during the year while discharge of BJP President [Amit Shah](#) in the Sohrabuddin case and defamation case filed by RSS worker against Congress Vice President [Rahul Gandhi](#) grabbed headlines.

Among other petitions which stole the limelight in 2015 were [Shiv Sena](#) chief Balasaheb Thackeray's 'will' bequeathed to his family, the Bohra succession row, legal fight between the family of late actor [Rajesh Khanna](#) and his live-in partner Anita Advani, alleged corrupt practices by former Maharashtra minister [Chhagan Bhujbal](#), controversy over Radhe Maa's alleged involvement in dowry harassment case and Vodafone's victory over [Income Tax](#) department in Bombay High Court.

The high court is currently hearing a bunch of petitions challenging the constitutional validity of the beef ban legislation in Maharashtra. In February 2015, the President had granted sanction to Maharashtra Animal Preservation (Amendment) Act. While the Act had banned slaughter of cows in 1976, the recent amendments prohibited slaughter of bulls and bullocks and possession and consumption of their meat.

Salman was convicted by a sessions court on May 6 after he was found guilty of ramming his car into a shop in suburban Bandra killing one person and injuring four others who were sleeping outside.

He filed an appeal in the high court which, on December 10, acquitted him saying prosecution had failed to prove that the actor was driving the car under the influence of liquor.

Another important case was the commencement of final hearing of confirmation of death sentence awarded to Baig, the lone convict in the 2010 Pune German Bakery blast case. A bench headed by Justice Naresh Patil, in August, also began hearing Baig's appeal against the death penalty given to him.

Baig, an alleged member of Indian Mujahideen, was arrested in September 2010 for his alleged involvement in the blast which killed 17 people and injured 58 others, including foreign nationals.

Four years after the scam-tainted Adarsh Housing Society filed a petition challenging the demolition order passed by the Union Ministry of Forest and [Environment](#), the high court completed hearing arguments and reserved its order.

A division bench of justices R V More and R G Ketkar in September started final hearing in the petitions, including one filed by the society in 2011, challenging the demolition order and a petition filed by the Ministry of Defence seeking implementation of the demolition order.

In November, the high court permitted Rubabuddin Shaikh, brother of Sohrabuddin, who was killed in an alleged fake encounter, to withdraw his petition challenging discharge of Amit Shah from the case. Rubabuddin had sought withdrawal of the petition on grounds of ill-health.

On December 30, 2014, a CBI court in Mumbai had discharged Shah in the alleged fake encounter cases saying there existed "no case"



In a major relief to Nestle India Ltd, the high court on August 13 quashed the orders of the Indian food regulators banning the nine variants of Maggi.

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against him and that he had been implicated for "political reasons".

The high court in 2015 transferred the probe in the Dabholkar murder case to CBI and that of Pansare to a Special Investigation Team (SIT) of State CID after local police failed to make any progress in the investigations.

Dabholkar and Pansare's family members had approached the high court seeking probe by independent agencies.

Hearing another petition, the high court ruled in March that sedition charges cannot be invoked against persons writing or saying anything in criticism of the government and its measures as far as it does not incite violence or cause public disorder.

A bench headed by the then Chief Justice Mohit Shah held that citizens have the right to say or write anything criticising the government and its measures so long as it does not incite violence or create law and order problems.

The ruling was passed in a PIL filed after the arrest of cartoonist Aseem Trivedi on sedition charges for drawing cartoons that allegedly insulted the national emblem and Parliament.

Soon after the ruling, the Maharashtra government issued a circular but later withdrew it after facing severe flak from the general public.

The high court is currently conducting civil trial in a suit filed by late Shiv Sena supremo Bal Thackeray's estranged son Jaidev challenging his father's will.

In his last will of December 13, 2011, [Bal Thackeray](#) has not left a farthing to Jaidev. Aggrieved Jaidev has disputed the will, saying that his father was of unsound mind and that his brother Uddhav, who is now heading the political party, influenced him.

The high court also began final hearing into a suit filed by Khuzaima Qutbuddin, who claims to be the 53rd Dai al-Mutlaq and head of the Dawoodi Bohra community, seeking to be declared as the Syedna.

Qutbuddin had filed the suit last year seeking relief against Mufaddal Saifuddin, the second son of the late Syedna Mohammed Burhanuddin. Mohammed Burhanuddin passed away on January 17, 2014 at the age of 102. Mufaddal Saifuddin then took over as Syedna.

Qutbuddin claimed that the late Syedna (Burhanuddin) had chosen him his Mazoon (deputy) and secretly appointed him as his successor 50 years ago.

In another important case in April, the high court in a relief to late Rajesh Khanna's wife [Dimple Kapadia](#), daughter [Twinkle Khanna](#) and son-in-law [Akshay Kumar](#), quashed a complaint of domestic violence lodged against them by Khanna's alleged live-in partner Anita.

In yet another development, in March, the high court refused relief to Rahul Gandhi seeking the quashing of a defamation case filed against him by an RSS worker. Dismissing the petition, the court observed that the leader intended to harm the reputation of RSS by making a statement that the right-wing organisation was behind the assassination of Mahatma Gandhi. RSS worker Rajesh Kunte had filed the complaint.

In a major relief to [Nestle India Ltd](#), the high court on August 13 quashed the orders of the Indian food regulators banning the nine variants of [Maggi](#) after observing that the principles of natural justice were not followed.

It allowed Nestle to go in for fresh testing by sending five samples of each variant of noodles to three independent laboratories in Punjab, Hyderabad and Jaipur which were accredited with National Accreditation Board for Testing and Calibration Laboratories (NABL).

The results of the tests were found negative and Nestle India later started manufacturing Maggi noodles as per the directives of the High Court.

A PIL filed by activist Ketan Tirodkar in high court challenged discretionary housing quota of the Chief Minister alleging irregularities of double and multiple allotments since 1982.

The court appointed a one-man commission, headed by retired judge J A Patil, which submitted its report on November 24 with

recommendations and proposed action.

The judges also asked such beneficiaries to return the flats or pay up the price if they have sold off the flats.

In a big relief for telecom major Vodafone India, the high court on October 8 set aside an order of Income Tax Appellate Tribunal (ITAT) which had ruled that the IT department had powers to raise tax demand on the company in a Rs 8,500 crore transfer pricing case.

The transfer pricing case dates back to 2008 relating to sale of one of its call centres in Ahmedabad in 2007.

[Radhe Maa](#) was granted pre-arrest bail in a dowry harassment case by the high court on October 8. The court asked Radhe Maa to appear as and when required by Kandivali Police, which is probing the complaint against her.

The high court early in the year directed setting up of a SIT comprising ACB and Enforcement Directorate to probe 11 different allegations of irregularities relating to money laundering by private companies run by former Maharashtra minister Chhagan Bhujbal, his sons and relatives.

The direction was passed on a PIL filed by AAP seeking registration of FIR against Bhujbal.

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