

**ADDRESS BY HON'BLE SHRI DALVEER BHANDARI, CHIEF JUSTICE, HIGH COURT OF JUDICATURE AT BOMBAY, AT THE REFERENCE TO LATE SHRI JUSTICE BHAURAO UPASRAO WAHANE, FORMER JUDGE OF THIS HIGH COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005.**

My noble and learned Brother, Hon'ble Mr. Justice Vazifdar, Mr. Desai, Additional Solicitor-General, Mr. Kadam, Advocate-General of Maharashtra, Mr. Dada, President of the Bombay Bar Association, Ms. Deshmukh, Vice-President of the Advocates' Association of Western India, Mr. Mehta, President of the Bombay Incorporated Law Society, learned Members of the Bar, distinguished Ladies and Gentlemen:

We have assembled here to collectively pay our homage to the departed soul of late Justice B.U. Wahane, who left for his heavenly abode on the 23<sup>rd</sup> of August, 2005. This is the road we all have to take, over the Bridge of Sighs into eternity.

Justice Wahane was born on 6<sup>th</sup> November, 1934. He was enrolled as an Advocate on 22<sup>nd</sup> November, 1962. He worked as an Assistant District Government Pleader and Assistant Public Prosecutor till March, 1975. He practiced as an Advocate at Nagpur, Raipur and Chindwara and also had appeared in the Madhya Pradesh High Court at Jabalpur. He was then appointed as a Judge of the Bombay High Court.

The life sketch of Justice Wahane would serve as an example for those who desire to surmount difficulties caused by economic and social backwardness. Justice Wahane was born in an extremely poor family and was member of the Scheduled Caste. Justice Wahane lost his father when he was only a few days old. He was brought up by his mother in the most difficult circumstances. His mother was an ordinary mill worker of the Empress Mills at Nagpur. His mother had toiled hard to provide education to Justice Wahane and sculpted his career. It was but natural that Justice Wahane used to attribute his achievements to his revered mother. One cannot overlook the fact that in spite of all odds and rough terrain in the early days of his life, Justice Wahane continued to cross all the barriers and attained a high constitutional position as a Judge of the premier High Court of the Country. The life of Justice Wahane teaches us an important lesson that by sheer hard work, a person can accomplish his goal, despite all adversities of life.

Justice Wahane was a voracious reader. He had a very impressive library. His personal collection of books consisted of not only Law books but books on various subjects, including religious books. He had studied books on Hindu religion, books on principles of Quran-e-Sharief, Gurugranth Sahib, books on Jainism and Buddhism. He was an ardent follower of Buddhism, but his personality was not cabined, cribbed or confined to study of any particular religion as such. His vision was enlarged due to comparative study of principles of all the religions. The new generation needs to keep in mind that Justice Wahane could fight against all odds in life, due to his earnest desire to acquire knowledge and learning through books.

Justice Wahane was employed in All India Radio and worked there for some period. He was selected and trained as a pilot but due to sudden twist in the career, he entered the legal profession in 1962. He has participated in several social movements including one for the renaming of the Marathwada University.

Justice Wahane was predominantly practicing on Criminal side. He represented various social causes before the High Court. He was a crusader of social causes. He was regarded as a social saviour during the period of his legal practice and held a large number of briefs for right causes, on payment of very nominal fees or at times even without charging any fees. Justice Wahane took part in settlement of disputes. He was a regulatory functionary for all the downtrodden people, labourers and poor.

Although I did not have the privilege of knowing him personally, yet I could gather about his personality from various judgments delivered by him. His judgments have enriched volumes of Legal Law Journals. He always adhered to the principles of social justice, which are enshrined in the preamble of our Constitution. His contribution as a Judge will be remembered by members of the legal fraternity for years to come.

Justice Wahane advocated for cause of the subordinate judiciary with keen interest. He used to express his opinions without fear and favour. After his retirement, he continued his social crusade for the benefit of the masses. He spent most of his weekends for educating the masses by delivering lectures. He also used to take keen interest in Lok Adalats. He used to give courteous treatment to the members of the Bar who appeared before him and received due respect from them at Nagpur.

In the death of late Justice Wahane, the judicial fraternity has suffered a great loss. Certainty of death is known to all but in passing of one from our fraternity causes irretrievable loss and as such, we mourn the sad demise of such a member.

I pray *Tathagat* Buddha to give necessary courage to the bereaved family members of late Justice Wahane to bear the great loss. On behalf of my colleagues, the entire judicial fraternity of Maharashtra and Goa, and myself, I sincerely express deepest condolences to the members of the bereaved family in this hour of sorrow. May his noble soul rest in eternal peace!

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**ADDRESS BY SHRI B.A. DESAI, ADDITIONAL SOLICITOR GENERAL, AT THE REFERENCE TO LATE SHRI JUSTICE BHAURAO UPASRAO WAHANE, FORMER JUDGE OF THIS COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005**

My Lord Chief Justice, My Lord Justice Vazifdar, Shri Ravi Kadam, Advocate General, Mrs. Deshmukh, Vice-President, Western India Advocates Association, Shri Rafiq Dada, Bombay Bar Association, Shri Prakash Mehta, President of Incorporated Law Society.

We gather here to mourn the death of Justice Wahane whose tenure as a Judge was indeed distinguished.

Before adorning the office of the Judge of this august High Court, he practiced as a lawyer. He had an extensive practice and he enjoyed the reputation of being a brilliant lawyer. He practiced in two High Courts normally, both in Madhya Pradesh High Court at Jabalpur and Bombay High Court at Nagpur. Sessions trials were his forte.

He was also leader at the Bar. He retired as a Judge of this High Court on 6th November, 1996. He was born on 6th November, 1934. By modern standards we expected him to live longer. But before God we are helpless. I convey my heartfelt condolence to his family.

May his soul rest in peace.

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**ADDRESS BY SHRI RAVI KADAM, ADVOCATE GENERAL OF MAHARASHTRA, AT THE REFERENCE TO LATE SHRI JUSTICE BHAURAO UPASRAO WAHANE, FORMER JUDGE OF THIS COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005**

My Lord the Chief Justice and Mr. Justice Vazifdar, Mr. Desai, Additional Solicitor General of India, Mr. Dada, President, Bombay Bar Association, Ms. Deshmukh, Vice-President, Western India Advocates' Association and Mr. Mehta, President, Incorporated Law Society and my learned friends,

1. We are assembled here today to mourn the passing away of Justice Wahane, a former Judge of this Hon'ble Court who passed away at Nagpur on August 23, 2005.
2. Justice Wahane began his career as a lawyer in the Sessions Court at Nagpur. He also held the office of Assistant District Government Pleader and Assistant Public Prosecutor at Nagpur for several years with distinction. He was soon to acquire a great reputation for his exceptional ability in criminal cases. Mr. Justice Wahane's skills as a criminal lawyer made him an automatic choice for appointment as a Special Counsel in many important sessions trials. His reputation spilled over to districts of Raipur, Rajnandgaon and Chindwara in Madhya Pradesh, where he was often engaged in serious cases.
3. After a few years of practice in the Sessions Court he started appearing before the Nagpur Bench of this Hon'ble Court, particularly in criminal matters and built up a large practice in the Nagpur Bench of this Hon'ble Court.
4. After 27 years at the Bar, Justice Wahane was elevated to the Bench of this Hon'ble Court and adorned the office of a judge of this Hon'ble Court for 7 years from 19<sup>th</sup> 1999 to 1996. Since Justice Wahane principally sat in the Nagpur Bench, I did not have the privilege of appearing in his Court. However, his contribution to the development of law was significant as can be seen from the large number of reported judgments delivered by him. A day prior to his retirement from the Bench, Justice Wahane delivered an important and landmark judgment in *Harijan Layout Sudhar Samiti and Others v. State of Maharashtra & others* reported in (1997) 2 Mh. L.J. 98, in which he struck down the conversion of land earmarked for a public park to land for housing of private persons, thus underlining the importance of reserving Parks and Open Spaces in the city of Nagpur. There were several other matters in which Justice Wahane left his distinct mark and contribution to the annals of judicial history. Though Justice Wahane has passed away, the Bar will always remember him through his judgments for all time to come.

My Lords, on behalf of the entire Bar of the State of Maharashtra, I join Your Lordships in offering my condolences to the bereaved family.

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**ADDRESS BY SHRI RAFIQ A. DADA, PRESIDENT, BOMBAY BAR ASSOCIATION, AT THE REFERENCE TO LATE SHRI JUSTICE BHURAO UPASRAO WAHANE, FORMER JUDGE OF THIS COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005**

My Lord the Chief Justice, My Lord Justice Vazifdar, Shri Desai, Additional Solicitor General of India, Shri Kadam, Advocate General of Maharashtra, Ms. Deshmukh, Vice-President of the Western India Advocates Association and my colleagues at the Bar,

On behalf of the Bombay Bar Association and on behalf of my self, I join your lordships, the learned Additional Solicitor General of India, and the Advocate General of Maharashtra in mourning the passing away of Mr. Justice Bhaurao Wahane, a retired judge of this Honorable Court.

Mr. Justice Wahane lived a full life. He practiced as a lawyer for over 27 years before he answered the call to go to the bench. As a lawyer, Justice Wahane handled a variety of cases involving civil suits. Sessions Trials. appeals and Writ Petitions in the High Court.

On the bench, he brought to bear on his judgments his learning and his rich experience as a lawyer. In his tenure as a judge, he delivered many judgments enunciating important principles of law.

Justice Wahane mainly sat on the Nagpur Bench of this Honorable Court. Among the notable judgments delivered by him was a judgment on the Law of Anticipatory bail. An important judgment delivered by him related to the powers of the Lok Nyayalaya. In this judgment reported in 1995 (2) Mah. L.J, the learned judge analysed the provisions of the Maharashtra State Lok Nyayalaya rules 1986 framed under Article 39A of the Constitution of India.

Justice Wahane retired in November 1996. Even in retirement, he lived an active life. He was popularly known as Bhau which was a short form for Bhaurao. This was appropriate for him as he was respected as a brother. In August 2004, a noted criminal was lynched by women whom the criminal was suspected to have raped. A fact-finding committee was constituted led by Justice Wahane. The committee made its report and raised many questions for the police to answer. The report was very well received by human rights organizations. Justice Wahane is no more. He will be remembered for his contribution as a lawyer, as a judge, as a social worker and as a human rights activist.

On behalf of the Bombay Bar Association, I extend my condolence to the members of Justice Wahane's family. May God give them the courage and strength to bear this loss.

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**ADDRESS BY MS. SHUBHANGI DESHMUKH, PRESIDENT, ADVOCATES' ASSOCIATION OF WESTERN INDIA, AT THE REFERENCE TO LATE SHRI JUSTICE BHURAO UPASRAO WAHANE, FORMER JUDGE OF THIS COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005**

The Hon'ble the Chief Justice Shri Dalveer Bhandari of the High Court of Judicature of Bombay and Hon'ble Justice Shri VS. Vazifdar, Shri B.A. Desai, Additional Solicitor General of India, Shri Ravi Kadam, Advocate General Maharashtra State, Shri Rafiq Dada, President of Bombay Bar Association, Shri Prakash Mehta, President of Incorporated Law Society, and friends.

1. Sir, I fully endorse the views expressed by the Hon'ble the Chief Justice and my learned colleagues and I beg to add few words.

2. Sir, we have assembled here to pay tribute to Justice Shri Bhaurao Upasrao Wahane retired Judge, High Court Bombay, who passed away on 23<sup>rd</sup> August 2005, at Nagpur. Justice Shri Bhaurao Wahane was born on 6<sup>th</sup> November 1934. He completed his School education from Sule High School, Nagpur, he completed his Masters degree in Arts from renowned Colleges namely Nagpur Mahavidyalaya (Norris College) and Dhanwate National College Nagpur, and passed his LL.B. examination from Law College, Nagpur. Justice Bhaurao Wahane was enrolled as an Advocate, with the Bar Council of Maharashtra, on 22<sup>nd</sup> November, 1962.

3. Justice Wahane worked as an Assistant District Government Pleader and Assistant Public Prosecutor from 5<sup>th</sup> March 1965 to the end of March, 1975 at Nagpur. Justice Wahane acquired large practice as an Advocate at High Court, Nagpur as well as in Sessions Courts, he conducted sessions Trials at Raipur and Chindwara in Madhya Pradesh and appeared in the High Court at Jabalpur. He practiced in anti-corruption cases, criminal Appeals and revisions, Writ Petitions etc., in the High Court. He also worked in All India Radio Nagpur as Programme-Secretary from 1960 to 1964. Justice Wahane was appointed as an Additional Judge of the Bombay High Court on 21<sup>st</sup> November, 1989 and permanent Judge from 17<sup>th</sup> May 1990, till he retired on 6<sup>th</sup> November, 1996.

5. The members of the Advocates Association of Western India, and myself share the grief of the family members of late Justice Shri Bhaurao Wahane and sincerely hope that they will find courage to bear this loss.

May God rest his soul in peace.

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**ADDRESS BY SHRI PRAKASH MEHTA, PRESIDENT, BOMBAY INCORPORATED LAW SOCIETY, AT THE REFERENCE TO LATE SHRI JUSTICE BHURAO UPASRAO WAHANE, FORMER JUDGE OF THIS COURT, ON TUESDAY, 6<sup>TH</sup> SEPTEMBER, 2005**

My Lord the Chief Justice, My Lord Mr. Justice Vazifdar, Mr. Desai, the Additional Solicitor General of India, Mr. Kadam, the Advocate General, Mr. Dada, the President of the Bombay Bar Association and Ms. Deshmukh, the Vice-President of the Western India Advocates Association.

With respect, I concur with what the My Lord the Chief Justice, the Additional Solicitor General, the Learned Advocate General, the President of the Bombay Bar Association and the Vice-president of the Western India Advocates Association have submitted at your Lordships' Bar today.

On behalf of the Bombay Incorporated Law Society, I wish to convey to the members of his family of Mr. Justice B. U. Wahane our heartfelt condolences on his sad demise.

May his soul rest in peace.

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