

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.80 OF 2015

- 1) Munir Ahemad Shaikh
Age-36 years, Occu:Agril.,
R/o-Koregaon, Tq-Shrirampur,
Dist-Ahmednagar,
- 2) Asif Ayub Pathan,
Age-23 years, Occu:Agril.,
R/o-Dharangaon Road, Kopargaon,
Tq-Kopargaon, Dist-Ahmednagar,
- 3) Shahanawaz Ashraf Pathan,
Age-30 years, Occu:Business,
R/o-Ward No.2, Shrirampur,
Dist-Ahmednagar.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra,
Through Superintendent of Police,
Ahmednagar, Dist-Ahmednagar,
- 2) Shri M.S. Jahdav,
Police Inspector,
Shrirampur Taluka Police Station,
Shrirampur, Dist-Ahmednagar,
- 3) Shri Anil Bhise,
Police Sub-Inspector,
Shrirampur Taluka Police Station,
Shrirampur, Dist-Ahmednagar,
- 4) Shri. Vinod R. Borge,
Police Constable,
Shrirampur Taluka Police Station,
Shrirampur, Dist-Ahmednagar,

5) Shri Vilas B. Kanwade,
Police Constable,
Shrirampur Taluka Police Station,
Shrirampur, Dist-Ahmednagar,

6) Shri Vaibhav S. Salve,
Police Constable,
Shrirampur Taluka Police Station,
Shrirampur, Dist-Ahmednagar,

...RESPONDENTS

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Mr.Balaji S. Shinde Advocate h/f. Mr. V.P.
Latange Advocate for Petitioners.
Mr.V.D. Godbharle, A.P.P. for Respondent No.1.

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**CORAM: S.S. SHINDE AND
A.I.S. CHEEMA, JJ.**

DATE : 17TH JULY, 2015

ORAL ORDER [PER S.S. SHINDE, J.] :

1. Heard learned counsel appearing for the Petitioners, learned A.P.P. appearing for State. Say filed by the I.O. is carefully read. The grievance of the Petitioners is that on 12th August 2014 the Petitioners were called and they were arrested and Investigating Officer did not produce them before the Judicial Magistrate for more than 48 hours. Therefore, according to the

learned counsel appearing for the Petitioners, it amounts to illegal detention.

2. On the other hand, the learned A.P.P., relying on the contents of the affidavit-in-reply filed on behalf of State and also reasons recorded by the Judicial Magistrate and inquiry report of District Judge-1 and Additional Sessions Judge, Shrirampur, submits that after proper inquiry it is held that the Petitioners were arrested in pursuance to lodging of F.I.R. by the complainant on 14th August 2014 and they were produced before the Magistrate on 14th August 2014 itself and therefore there is no substance in the Petition.

3. We have heard learned counsel appearing for the Petitioners. Perused the pleadings in the Petition and the annexures thereto, order passed by the Magistrate and also the report submitted by the District Judge-1 and Additional Sessions Judge, Shrirampur. Upon careful perusal of the

reasons recorded by the J.M.F.C. and also the inquiry report of the District Judge-1 and Additional Sessions Judge, Shrirampur, it is abundantly clear that on 12th August 2014 the Petitioners were called for interrogation and therefore there is no question of their arrest. Even upon careful perusal of the say submitted by the I.O. before the J.M.F.C., it is abundantly clear that on 12th August 2014 the Petitioners were called for interrogation since N.C. was registered against them. They were arrested only on 14th August 2014 and on the same day they were produced before the J.M.F.C.

4. For the reasons aforesaid, we do not find any substance in the Petition. Therefore, the Writ Petition sans merit and hence stands rejected.

[A.I.S.CHEEMA, J.]

[S.S. SHINDE, J.]

asb/JUL15