

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 39 OF 2015

Saddam Hussein Abdul Jalil Shaikh & Anr. ... Applicants.

V/s.

Chetan Ramanand Sharma & Anr. ... Respondents.

Mr. S. G. Kudle, Advocate for the Applicants.

Mrs. P.P. Bhosale, APP for the State.

Mr. Anil Galinde, Investigation Officer, Chunabhatti Police Station, is present.

CORAM : M.L.TAHALIYANI,J.

DATE : 06 FEBRUARY, 2015

P.C. :

1 Heard learned Advocate appearing for the Petitioners and learned additional public prosecutor for the State.

2 Applicant no. 1 is the complainant in C.R. No. 323 of 2014, registered at Chunabhatti Police Station for the offences punishable under sections 323, 326, 341, 504 and 506 r/w 34 of the Indian Penal Code.

3 The Applicants are aggrieved by the order passed by the learned Metropolitan Magistrate, 60th Court, Kurla,

Mumbai on 3rd January, 2015, by which the learned Magistrate remanded respondent no.1 - Chetan Ramanand Sharma to judicial custody. It is submitted that the bail was also granted on the same day. The grievance of the applicants is that all facts were not placed before the Magistrate and, therefore, the Magistrate did not remand the respondent no.1 to police custody.

4 I have heard the learned additional public prosecutor. The investigating officer is also present. It is submitted by him that respondent no.1 was arrested on 3rd January, 2015 about 3.30 a.m. and was produced before the Magistrate after 12 hours at about 3.00 p.m.. He was released on bail on the same day. I have gone through the copy of the medical certificate. The injuries were of simple nature. It is necessary to note here that the police have also now deleted section 326 of the IPC and the case is being investigated for the offence punishable under section 324 of the IPC only. In view thereof, I do not find any substance in the grievance of the applicants.

5 Criminal Application stands dismissed.

(JUDGE)

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