

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 518 OF 2015

Vinod Kumar s/o Rammurat Yadav
and Another. ..Petitioners.

Versus

State of Maharashtra. ..Respondent.

Mr. A. M. Sarogi and Ms. Sneha Singh for the Petitioners.
Mr. K. V. Saste, learned APP for the State.

Coram : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.

Date : **March 17, 2015.**

P. C. :

1. Heard learned Counsel appearing for the Petitioner and learned APP for the State. By this petition, the Petitioners are seeking a direction to quash the proceedings of Chapter Case No.28 of 2014 – Court Case No.49 of 2014. The Petitioners are the husband and wife and said proceeding-case is initiated in pursuance of the information received from Gomatidevi Yadav, the mother of Petitioner No.1 and the mother-in-law of Petitioner No.2. The Special Executive Magistrate issued summons under section 113 of the Code of Criminal Procedure, 1973 to the Petitioners on 9th April 2014. Copy of the said summons is at page 65 of the petition. Statement was made at the bar that said

Chapter proceedings are still pending and the Petitioners are being asked repeatedly to attend the proceedings by the Special Executive Magistrate.

2. Under sub-section (6) of section 116 of the Code of Criminal Procedure, 1973, the inquiry under section 116 is required to be completed within six months from the date of commencement of the proceedings, and if such inquiry is not so completed within that period, the proceedings under Chapter-VIII on the expiry of the said period stand terminated unless special reasons are given by the Special Executive Magistrate. As stated above, the enquiry under section 116 is commenced by issuance of summons under section 113 on 7th April 2014. The period of six months has already elapsed. The Special Executive Magistrate has not recorded any special reasons for continuation of the said proceedings. Consequently, in the light of provisions of sub-section (6) of section 116, the Chapter proceedings against the Petitioners stand terminated automatically. Therefore, petition is made absolute in terms of prayer clause (a).

[SMT. ANUJA PRABHUDESSAI, J.]

[RANJIT MORE, J.]