

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

CRIMINAL WRIT PETITION NO.893 of 2015

Dr.Jayesh Arjun Katira	).. Petitioner
Vs.	
State of Maharashtra & Anr.	).. Respondents

Mr.Samir A.Vaidya for the petitioner.
Mr.K.V.Saste APP for the Respondent/State.

**CORAM : RANJIT MORE &
K.R.SHRIRAM, JJ.**

DATE : 5th August, 2015

P.C.

CRIMINAL WRIT PETITION NO.893 OF 2015

1 Heard Mr.Vaidya learned Advocate for the petitioner and learned APP for the respondent-State.

2 By this petition, the petitioner is challenging notice dated 25.12.2014 issued under Sections 110(G) & 113 OF Cr.P.C and summons dated 24.1.2015 issued by respondent no.2. Mr.Vaidya learned Advocate for the petitioner submits that the petitioner is arrested in C.R.No.428 of 2014 under Section 376 & 506 of IPC and section 4 & 8 of Protection of Children from Sexual Offences Act, 2012 and under Section 66(A) & 66(E)

of Information & Technology Act 2000 by the Mulund Police station. However, he has been released on bail. He submits that thereafter present proceedings are initiated by respondent no.2. He submitted that the proceedings could not have been initiated as the petitioner cannot be termed as habitual offender.

3 We are not inclined to go into the validity or legality of the notice in question. Notice under Section 110 of Cr.P.C. was issued to the petitioner on 25.12.2014 and thereafter summons under Section 61 of Cr.P.C. was issued on 24.1.2015. Under sub-section 6 of Section 116 of Cr.P.C., it is obligatory on the part of the concerned Magistrate to complete the inquiry within a period of 6 months from the date of issuance of notice. As stated above, inquiry was commenced on 25.12.2014. The period of 6 months was expired on 24.6.2015. In the circumstances, in view of the provisions of sub section 6 of section 116 of Cr.P.C, the subject proceedings cannot be continued against the petitioner.

4 The petition is accordingly allowed in terms of prayer clause-(a). The notices impugned in the petition are quashed and set aside.

(K.R. SHRIRAM, J.)

(RANJIT MORE,J)