

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.993 OF 2015

Imtiyaz Ahd. Abdul Rashid Shaikh
Versus
The State of Maharashtra and ors.

..Petitioner

..Respondents

Ms. Sneha Singh i/b. Mr. Ashok M. Saraogi, advocate for the petitioner.
Mr. K. V. Saste, APP for the State.

**Coram : RANJIT MORE &
R. G. KETKAR, JJ.**

Date : 31st AUGUST, 2015.

P. C. :

The petition is filed for following relief:

“a) that this Hon'ble Court be pleased to pass appropriate writ, order and direction directing the respondent no.2 to 5 not to leave India save and except without prior permission of the Hon'ble 57th Court at Sewree Mumbai and Respondent No.1 directed to caused arrest of the Respondent No.2 to 5 on such terms as this Hon'ble Court may deem fit and proper.”

2. Mr. Saste, learned APP having taken instructions from the officer concerned, makes a statement that the FIR bearing CR No.43 of 2013 was registered by Sir J.J. Marg Police, at the instance of the petitioner, under Section 326 read with Section 34 of the Indian Penal Code, 1860. He further submits that the same was investigated, and after completion of the investigation, B summary report was already filed before the concerned Magistrate. The concerned Magistrate, however, did not accept the B summary report and issued process against the accused under Section 326 read with Section 34 of the Indian Penal Code, 1860. The accused challenged this order by filing revision before the Sessions Court which was partly allowed and the order regarding process under Section 326 was modified and process was issued against the accused under Section 325. Thus, the magistrate's is seized of the proceedings. The petitioner, is always at liberty, to make an appropriate application before the concerned magistrate. This being the position, we are not inclined to entertain this petition. The petition is, accordingly, dismissed.

[R. G. KETKAR, J.]**[RANJIT MORE, J.]**