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

CRIMINAL WRIT PETITION NO. 420 OF 2016

Sandeep S/o Balasaheb Kale,
Age: 34 years, Occu: Advocacy,
R/o. Darewadi,
Tq. & Dist. Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Police Station, Tofkhana,
Ahmednagar, Tq. & Dist. Ahmednagar
2. Digambar S/o Bhanudas Dalvi,
Age: 48 years, Occu: Service,
3. Anil S/o Digambar Dalvi,
Age: 20 years, Occu: Education

Respondent Nos. 2 and 3
R/o. Amit Nagar, Kalyan Road,
Behind Sahyadri Hotel,
Ahmednagar,
Tq. & Dist. Ahmednagar

..RESPONDENTS

Mr R. O. Awasarmol, Advocate for petitioner;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent No. 1

CORAM : N.W. SAMBRE, J.

DATE : 11th April, 2016

ORAL ORDER :

The learned Chief Judicial Magistrate, Ahmednagar, pursuant to the application filed by the respondents – accused on 29th February, 2016, called say of Investigating Officer and Additional Public Prosecutor. The Investigating Officer has submitted his say on 5th March 2016 showing that the accused be taken in M.C.R.

(2)

2. Thereafter, the learned Additional Public Prosecutor also filed his say to the said application on 8th March, 2016. On 10th March, 2016, the learned Chief Judicial Magistrate has taken respondents - accused in M.C.R. and ordered their release on same day in crime in question.

3. With the assistance, I have perused the entire documents as are placed on record.

4. It is claimed by the learned Counsel appearing on behalf of the petitioner that the learned Chief Judicial Magistrate has committed an error of law by not ordering M.C.R. of accused persons, though they appeared before the Court on 29th February, 2016.

5. Having considered the submissions made, it is required to be noted that whether person is to be arrested or not and what to do at what stage is purely an issue within the domain of Investigating Officer. Apart from above, it is required to be noted that, the learned Chief Judicial Magistrate has ordered M.C.R. to the accused persons on 10th March, 2016

6. In the above background, no illegality is noticed in the order impugned so as to interfere in extraordinary jurisdiction. Criminal Writ Petition as such, fails and dismissed.

(N.W. SAMBRE, J.)

sjk