

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.814 OF 2016

Shaikh Shafi Abdul Aziz

Petitioner

versus

The State of Maharashtra

Respondent

Mr.M.H.Mulla for Petitioner.

Mrs.Sangeeta Shinde, APP, for State.

CORAM : NARESH H. PATIL AND
PRAKASH D. NAIK, JJ.

DATE : 9th August 2016

PC :

1. Learned counsel for Petitioner submits that though Civil Court has passed an order on 5 September 2014 in S.C. Suit No.366 of 2010, the Respondents are interfering in the possession of the Petitioner. The Petitioner had approached the Police on 17 February 2015.

2. The Petitioner has prayed before this Court for issuing appropriate directions to provide police protection to him and further direction to police to take into possession articles lying near door of the said room under panchanama.

3. We observe that if the Civil Court has passed an order, the Petitioner has efficacious remedy available under Code of Civil Procedure, which the Petitioner may avail of. On the criminal side,

the Petitioner is entitled to resort to alternate remedy as prescribed under Code of Criminal Procedure, 1973. With these observations, the petition stands disposed of.

(PRAKASH D. NAIK, J.)

(NARESH H. PATIL, J.)

MST