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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2449 OF 2015
WITH
CRIMINAL APPLICATION NO. 376 OF 2015

Mrs. Alpa Sachin Raut

.. Petitioner

Vs.

1. Executive Magistrate, Vasai
Dist. Thane and anr.

.. Respondent

WITH

CRIMINAL WRIT PETITION NO. 2306 OF 2015
AND
CRIMINAL APPLICATION NO. 377 OF 2015

Mr. Sachin Shantaram Raut and ors.

.. Petitioners

Vs.

1. Executive Magistrate, Vasai
Dist. Thane and anr.

.. Respondent

Mr. K. S. Patil for petitioners.
Mrs. Sangeeta D. Shinde, APP for State.
Mr. V. B. Tapkir for applicant-intervener.

CORAM: NARESH H. PATIL &
A. M. BADAR, JJ.

MARCH 11, 2016.

P.C.

1. Heard the learned counsel for the parties. Notice under Section 111 of the Cr. P. C. was issued on 20/5/2015. Provisions of Section 116 (6) of Cr. P. C. read as under :-

“116. Inquiry as to truth of information. - (1) When an order under section 111 has been read or explained under section 112 to a person in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under section 113, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

(2)

(3)

(4)

(5)

(6) The inquiry under this section shall be completed within a period of six months from the date of its commencement, and if such inquiry is not so completed, the proceedings under this Chapter shall, on the expiry of the said period, stand terminated unless, for special reasons to be recorded in writing, the Magistrate otherwise directs:

Provided that where any person has been kept in detention pending such inquiry, the proceeding against that person, unless terminated earlier, shall stand terminated on the expiry of a period of six months of such detention.”

2. By an order dated 6/7/2015 this court had granted ad-interim relief in terms of prayer clause (b). Prayer clause (b) reads as under :-

“(b) Pending the hearing and final disposal of this petition all the further proceedings in chapter case No. 41 of 2015 before the Respondent No.1 may be stayed/suspended.”

3. Learned counsel appearing for the petitioners Mr. K. S. Patil, places reliance on the reported judgment of this court in the case of Surendra s/o Ramchandra Taori vs. The State of Maharashtra and ors. [2001 ALL MR (Cri) 2079]. So far as the State has not filed any reply. The petitions are pending since long.

4. Even otherwise, the period prescribed under Section 116 of Cr. P.C. for completing the inquiry has come to an end. In view of the order of stay and in view of the provisions of Section 116(6) of Cr. P. C., the end result is that the proceedings initiated, itself, have now become infructuous.

5. As the proceedings have become infructuous, both the petitions are disposed of.

6. Criminal Application Nos.376 of 2015 and 377 of 2015 do not survive and disposed of as such.

(A. M. BADAR, J.)

(NARESH H. PATIL,J.)