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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELATE JURISDICTION  
CRIMINAL APPLICATION NO.465 OF 2016 IN  
CRIMINAL APPLICATION NO.3069 OF 2000 WITH  
CRIMINAL APPLICATION NO.3070 OF 2000

A.C.Narayanan & Anr. ...Applicants  
vs.  
State of Maharashtra & Anr. ...Respondents

Mr.Ishan Jani i/b Mr.Mihir Gheewala for the  
applicants  
Ms M.H.Mhatre, APP for the respondent No.1  
Mr.S.A.Jabbar i/b Mr.Tanvir Shaikh for respondent  
No.2

CORAM : A.S.OKA, &  
A.A.SAYED, JJ.  
DATE : JUNE 23, 2016

P.C.:

1 Heard the learned counsel for the applicants and the learned counsel for the second respondent. In the main application being No.3069 of 2000, the applicants have invoked section 482 of the Code of Criminal Procedure,1973 for quashing the entire proceedings of the criminal case. The application has been admitted for final hearing. By this application, the applicants want to incorporate a challenge to the order passed on charge sheet directing issue of summons to the applicants.

2 The learned counsel for the second respondent vehemently opposes the application by relying upon the decision of the Apex Court in the case of Gdu Narayanrao and another Vs. The State of Andhra

Pradesh and another<sup>1</sup>.

3 The main criminal application was filed on 20<sup>th</sup> September 2000. We find from the first prayer that the challenge was to the proceedings of the criminal case. All that the applicants are seeking by this application is leave to incorporate a formal challenge to consequential order made on the charge sheet of issuing a summons. The substantive challenge in the unamended application is to the entire proceedings of the case. Therefore, the amendment which is sought is of a formal nature which deserves to be granted. Therefore, application is allowed in terms of prayer clause (1). Amendment to be carried out within a period of two weeks from today.

4 As a result of amendment, there will be also a formal challenge to the order made by the learned Metropolitan Magistrate of taking cognizance. Therefore, after amendment is carried out the added prayer will not pertain to the assignment of this Bench. The Registry is directed to place the same before the appropriate Bench for final hearing.

(A.A.SAYED,J.)

(A.S.OKA,J.)