

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3059 OF 2015

Mr. Failsal Wadgama

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr. Ghanshyam Upadhyay i/b. Mr. Vivek Chaubey, advocate for the petitioner.

Mr. S. K. Shinde, PP along with Mr. J. P. Yagnik, APP for the State.

**CORAM : RANJIT MORE &
A. K. MENON, JJ.**

DATE : 18th JANUARY, 2016.

P. C. :

The petition is filed for quashing the the FIR bearing C.R. No. 142 of 2015 registered with Nagpada Police Station which was subsequently transferred to the Office of Assistant Commissioner of Police, D1 (Special) Crime Branch, CID, Mumbai, wherein it is registered as C.R.No.48 of 2015 for the offences punishable under Sections 387, 34, 120B of the Indian Penal Code, 1860 and Sections 3(1)(i), 3(2), 3(4) of Maharashtra Control of Organised Crime Act, 1999 (for short "MCOC Act").

2. Mr. Shinde, learned PP on instructions, makes a statement that there are six accused including the petitioner in the said crime. So far as the petitioner and one other accused by name – Ravi Pujari is concerned, both of them are absconding, therefore, charge-sheet could not be filed. The petitioner preferred an anticipatory bail application before the Sessions Court in the month of June-2015. However, the same was not pressed. Mr. Shinde also submitted that non-bailable warrant against the petitioner is issued by learned Special Judge under MCOC Act. A copy of the said warrant is produced on record in support of his submission. The charges against the petitioner are serious ones and the petitioner is absconding. We are, therefore, not inclined to entertain this petition in exercise of jurisdiction of this Court conferred under Article 226 of the Constitution and inherent jurisdiction of this Court under Section 482 of the Code of Criminal Procedure, 1973 at this preliminary stage. The writ petition, accordingly, stands dismissed.

[A. K. MENON, J.]

[RANJIT MORE, J.]

