

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO.207 OF 2015.

(DR. AVINASH GOVINDPRASAD SHARMA..VS.. THE STATE OF MAH. THR. HOME DEPT & 4 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.B.Moon, Advocate for Petitioner.
Shri S.B.Ahirkar, A.P.P. for Respondent Nos. 1 to 4.

CORAM : B.P.DHARMADHIKARI AND
Z.A.HAQ, JJ.

DATED : FEBRUARY 08, 2016.

In order to demonstrate that the petitioner was unnecessarily detained, the support is being taken from the judgment of the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs. State of Bihar & Anr.*, reported at **(2014) 8 SCC 273**, particularly para 11.

Submission is, the police did not prepare any check-list and no such check list was produced before the Magistrate.

The learned A.P.P. is relying upon the reply. He also invites our attention to the order of the learned J.M.F.C., dated 20th November, 2014 when police custody remand was allowed. He states that the reasons for seeking police custody remand were expressly pointed out to the Magistrate and the same is weighed with the learned Magistrate.

We have perused the reply as also the order of the learned J.M.F.C. The learned J.M.F.C. has considered the apprehension expressed by the police that certain documents were removed by the accused from the house of the complainant and those documents were of vital importance. Investigation in relation thereof was, therefore, required to be undertaken and the documents were required to be seized. The prosecution also alleged that the accused may destroy those documents. These reasons have been accepted to authorize the detention.

The charge-sheet in Crime No. 245 of 2014 is already presented to the competent Court. In this situation, we are not inclined to make any observation on merits at this stage in view of the subsequent development. Needless to say that the petitioner is at liberty to challenge charge-sheet by taking appropriate steps as may be advised in law.

Hence, keeping all the rival contentions open for its appropriate consideration, we **dispose of** the writ petition.

JUDGE

JUDGE