

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1392 OF 2017

Inderpal Singh Sahni	...Petitioner
Versus	
The State of Maharashtra & Ors.	...Respondents

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Mr. Subhash Jha i/b. M/s. Law Global Advocates for the Petitioner.
Mrs. M.M. Deshmukh, APP for the Respondents -State.
Mr. Pratap Patil for the Respondent No.2.
Mr. Akshay Kapadia for the Respondent No.3.
Mr. Laxmikant T. Patil, DCP, Zone-1, Nashik City, present.
Mr. Atul U. Zende, ACP-Division 3 Nashik City, present.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED: 2nd MAY, 2017.

P.C.:-

Mr. Jha, the learned counsel for the Petitioner at the outset submits that before issuance of the notice under section 107 of the Cr.P.C., which is impugned in the present Petition, no order is passed under section 111 of the Cr.P.C.

2. Mrs. Deshmukh, the learned APP placed on record noting. The noting shows that the instructions were given to issue order under section 111 of the Cr.P.C. prior to issuance of the impugned notice under section 107 of the Cr.P.C. The learned APP however, was unable

to place on record order under section 111 of the Cr.P.C.

3. The learned counsel for the Petitioner states that there is no order under section 111 of the Cr.P.C.

4. In the light of above, the impugned notice under section 107 of the Cr.P.C. cannot be sustained. Having taken instructions from the DCP, Zone-1 and ACP, Division-3 Nashik City, she states that the impugned notice under section 107 of the Cr.P.C. would be withdrawn and that action against the Petitioner would be initiated afresh after following the due procedure under the Cr.P.C. Statement is accepted.

5. In view of the statement of the learned APP, Mr. Jha fairly agrees that grievance of the Petitioner at this stage no more survives. The Petition stands disposed of.

6. Needless to mention that in the event action under section 107 of the Cr.P.C. is initiated, the Petitioner is at liberty to challenge the same. All contentions of the respective parties are kept open.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)