

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2012 OF 2015

Niyamat Ali Ahmad Raj ... Petitioner
Vs.
Union of India,
Through Nani Daman Police Station & Ors. ... Respondents

Mr. Subhash Jha, i/by M/s. Law Global, for the Petitioner.

Mrs. P.H. Kantharia for Respondent Nos.1 and 2.

Mrs. A.S. Pai, A.P.P., for the Respondent-State.

CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR-JOSHI, J.J.

DATE : 24TH JANUARY 2017.

P.C. :

1. Heard learned counsels for the respective parties.
2. Mr. Jha, learned counsel for the Petitioner, at the outset, makes a statement that Petitioner does not press the relief claimed at prayer clause (a). Statement is accepted.
3. The relief claimed at prayer clause (b) reads as follows :-

“(b). That this Hon'ble Court may be pleased to direct the Superintendent of Police, Nani Daman, the Respondent No.2 to ascertain whether Suryakant B. Patel, PI / Hassan Mohd. Wali, ASI, are behind false implication of the Petitioner in FIR No.96 of 2014 of Nani Daman Police Station and if that be so,

appropriate direction be given to the concerned authorities to ensure cancellation of their bail and so also for such appropriate action, as may be deemed necessary in the facts and circumstances of the case.”

4. Mr. Jha contends that the Investigation Officer has falsely implicated Petitioner at the instance of two police personnel from Gujarat. He, however, does not dispute that F.I.R. No.96 of 2014 was initially filed against the co-accused and name of the Petitioner was subsequently added on the basis of the information given by the said co-accused that, *'the material was supplied by the Petitioner'*. It is obvious that in order to implicate the Petitioner, there is material on record.

5. In view of the above, we are not inclined to grant relief claimed in terms of prayer clause (a) in exercise of the writ jurisdiction.

6. Mr. Jha supports his submissions, by relying on the decision of the Hon'ble Supreme Court in the case of *Siddharam Satlingappa Mhetre Vs. State of Maharashtra & Ors., (2011) 1 SCC 694*, especially, the observations made in paragraph No.87 thereof. We have gone through the same. However, the decision of the Hon'ble Supreme Court in the aforesaid case cannot be made applicable to the facts of the present case.

7. Petition is, accordingly, dismissed.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[RANJIT MORE, J.]