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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No. 858 of 2016

Aatif Hanif Ahmed Chaapra & Ors .. Applicants.
Vs
State of Maharashtra & Anr .. Respondents.

Mr. Shukla Devmani for the applicants.

CORAM : R.M. BORDE & A.S.GADKARI, JJ.

DATE : 8th February, 2017.

P.C.

1) During the continuance of proceedings under Section 107 of the Code of Criminal Procedure, (for short, the “Cr.P.C”), the Special Executive Magistrate, Girgaon, Mumbai has directed the petitioner to execute a bond as contemplated under Section 101 of Code of Criminal Procedure. The notice directing to execute a bond by each of them is the subject matter of challenge in this application.

2) Firstly, it must be noticed that the proceedings under Section 107 of the Cr.P.C. pending with the Special Executive Magistrate have not yet attained finality and in order to secure the presence of the applicants measure has been taken under Section 110 (d) of Cr.P.C. The final order which would be passed by the concerned Magistrate under Section 107 of Cr.P.C., can also be subjected to revision under section 397 of Cr.P.C. In view of the challenge raised by the applicants to the interlocutory proceedings pending before the Executive Magistrate, no interference is called

for in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The application being devoid of any substance stands dismissed.

(A.S. GADKARI,J)

(R.M. BORDE, J.)