

HON'BLE SRI JUSTICE S.V.BHATT

CRIMINAL PETITION No.8316 OF 2017

ORDER:

The petitioner challenges Crime No.95 of 2017. The first contention of petitioner is that the crime registered does not make out any allegation of offence either under Sections 188 or 379 of Indian Penal Code and even assuming that some reference to petitioner's name is there in complaint dated 27.02.2017, it is alleged the petitioner has sufficient material and reasons to satisfy that he has not at all committed theft of any article, much less as stated in complaint dated 27.02.2017. It is alternatively contended that the 2nd respondent is required to follow the procedure stipulated under Section 41-A of Criminal Procedure Code. In the case on hand, the petitioner is apprehending that without recourse to Section 41-A of Cr.P.C, the second respondent may arrest and cause hardship to the petitioner.

Additional Public Prosecutor for 2nd respondent submits that a crime is registered against the petitioner under Sections 188 and 379 of IPC and the punishment against these Sections is less than seven years and the petitioner need not have the apprehension that the 2nd respondent will not follow the requirement of Section 41-A of Cr.P.C. The statement of Additional Public Prosecutor is placed on record and the Criminal Petition is disposed of accordingly.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

Date:19.09.2017
Stp