

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1533 OF 2018

Ravi Kishor Ganatra ... Petitioner

Versus

State of Maharashtra & Ors. ... Respondents

Mrs. V.V. Thorat a/w Mr. S.A. Mehta for the Petitioner.
Ms. Neha Pandya i/by Ms. Pallavi Marathe for Respondent nos. 4 and 5.
Mrs. P.P. Shinde, APP for the State
Mr. Dattatray Bhargude, ACP, Santacruz Divn.
Mr. Nagesh Misal, PSI present.

**CORAM :- R. M. SAVANT &
SARANG V. KOTWAL, JJ.**
DATE :- 17TH APRIL, 2018

P. C. :-

1 The show cause notice dated 10th February 2018 issued under Section 111 of the Code of Criminal Procedure is taken exception by way of the above petition. Having regard to the statement appearing on the second page in paragraph 3 of the said show cause notice, the learned APP, Mrs. Shinde, on instructions of the author of the show cause notice, Mr. Dattatray Bhargude makes a

statement that the said show cause notice would be withdrawn and a fresh show cause notice would be issued to the petitioner. In view of the statement appearing in paragraph 3 on the second page, which we have been adverted hereinabove, we are of the view that it would be better if the Assistant Commissioner of Police of another Division carries out the entire exercise.

2 We therefore direct the Assistant Commissioner of Police, Bandra Division, Mumbai to take a decision on the basis of the material on record whether show cause notice is required to be issued or not to the Petitioner. If the said show cause notice is issued then the Assistant Commissioner of Police, Bandra Division would take the same to its logical conclusion, one way or the other. We express no opinion in that regard.

3 With the directions as aforesaid, the writ petition is disposed of.

(SARANG V. KOTWAL, J.)

(R. M. SAVANT, J.)