

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 93 OF 2018

Imtiyaz Pirahmed Sodawala and Ors. ... Petitioners

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Satishkumar Chettiyar i/by Sagar Kasar for the petitioners.

Dr. F.R. Shaikh, APP for the State.

CORAM : B.P. DHARMADHIKARI &
SMT. SADHANA S. JADHAV, JJ.
DATE : NOVEMBER 27, 2019

P.C.:

Heard for some time.

2. Perused the judgment delivered by the Division Bench of this Court on 26/10/2018 in Criminal Writ Petition No. 4361 of 2018 and Criminal Application No. 403 of 2018.

3. In the present facts, likelihood that the petitioner may be convicted for the alleged offences under Bombay Police Act, 1951 and may be acquitted for the offences under Customs Act or vice versa cannot be ruled out.

4. The effort therefore, to urge that there can be no prosecution for the offence under section 124 of the Bombay Police Act appears to be misconceived at this stage. We

therefore, reject the petition.

5. Needless to mention that the said contention is kept open and can be looked into at appropriate juncture by trial court.

(SMT. SADHANA S. JADHAV, J.)

(B.P. DHARMADHIKARI, J.)