

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.3411 OF 2019**

Mr. Atit S/o. Jayesh Mehta	Petitioner
Versus	
The State of Maharashtra & Ors.	Respondents

Mr. A.M. Saraogi, Advocate for the Petitioner.
Mrs. A.S. Pai, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 16th JULY, 2019.

P. C. :

1. Heard learned counsel for the petitioner and learned APP.
2. The petition is filed challenging the proclamation under Section 82 of the Code of Criminal Procedure, 1973, a copy of which is annexed at Exhibit 'C', page 58. Upon perusal of the said proclamation, we find that same is issued by the Metropolitan Magistrate (Central-10) Delhi. In our considered view, the petitioner must approach Delhi High Court for seeking quashment of the said proclamation. We are, therefore, not inclined to entertain this petition.
3. Mr. Saraogi, the learned counsel for the petitioner states that the petitioner will approach the Delhi High Court for challenging the said proclamation. However, he submits that in order to enable the petitioner to take a legal recourse before the Delhi High Court, some protection may be granted to him. Mr. Saraogi alleges that this proclamation is issued

without issuing any summons or warrant to the petitioner. The limited protection sought by Mr. Saraogi is opposed by Mrs.Pai, learned APP, on the ground that the petitioner can always seek this relief before Delhi High Court.

4. However, after taken into consideration the peculiar facts and circumstances of the present case and especially the statement of Mr. Saraogi, the learned counsel for the petitioner that no notice/summons/warrant of arrest was issued to the petitioner before issuance of the proclamation and his apprehension that the petitioner would be arrested, we are inclined to grant limited protection for a period of 10 days from today.

5. We, accordingly, dispose off the petition as not maintainable. We, however, direct that no coercive action shall be taken against the petitioner in the subject crime viz. FIR No.28 of 2019 registered with Lahori Gate for offences punishable under Sections 420, 468, 471 and 120B of the IPC, for the period of 10 days.

6. It is made clear that limited protection granted by this order shall automatically come to an end after expiry of the period of 10 days from today.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]