

nsc.

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL APPLICATION NO.894 OF 2016

Naseem Ahmed Siddiqui ...Applicant

Versus

The State of Maharashtra and Ors. ...Respondents

Mr.Laxminarayan Shukla, i/b Mr.M.A.Rathod, for the Applicant.

Mr.Kunal Waghmare, for the Respondent Nos.2 and 3.

Mr.F.R.Shaikh, A.P.P. for the Respondent No.1 – State.

***CORAM : B.P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.***

DATE : 18th JANUARY, 2019

P.C. :

1. The prayer is to quash the invocation of Section 323 from the FIR. The submission is, in FIR as registered on 14th July, 2016, on the basis of oral statement, said Section has been added along with other Sections, but, in complaint submitted in writing on 14th July, 2016, there are no facts to point out any offence under Section 323.

2. This Court has on 24th March, 2017, permitted investigation to go on, however restrained the Investigating Officer from filing the charge-sheet for offences punishable under Sections 323 and 353 of the Indian Penal Code only, without seeking prior permission from this Court.

3. In this situation, whether offence under Section 323 is made out or not, can be examined by the trial Court itself and we are not inclined to split the FIR into various portions, as attempted by the Applicant. Hence, keeping all contentions of the Applicant open and with liberty to the Applicant to take necessary steps in this respect before the trial Court, we dispose of this Application.

REVATI MOHITE DERE, J.

B.P. DHARMADHIKARI, J.