

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

CRIMINAL APPLICATION NO. 1123 OF 2016

Shaileshbhai Amrutbhai Kachhia ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

**WITH
CRIMINAL APPLICATION NO. 1120 OF 2016**

Smt.Indiraben Pravinbhai Jain ...Applicant

Versus

The State of Maharashtra & Anr. ...Respondents

Ms.Alpha Zaveri i/b. Teja Katdare for the Applicant in Criminal Application No. 1123 of 2016.

Mr.Rajan K.Malkani for the Applicant in Criminal Application No. 1120 of 2016.

Mr. A.R.Patil, APP for Respondent No.1-State.

Mr.H.S.Venegaokar for Respondent No.2- CBI.

**CORAM : MRS. MRIDULA BHATKAR, J.
DATE : 07 FEBRUARY 2019**

P.C.:

1. Both these Criminal Applications are filed under section 482 of the Code of Criminal Procedure.

2. These Applications are heard and decided together by a common order, as the orders under challenge are the same.

3. In these Applications, the order dated 17th September, 2016 passed by the learned Sessions Judge, Dadra and Nagar Haveli, Silvassa, allowing the Criminal Revision Application No. 8 of 2016 and setting aside the order dated 9th September, 2016 passed by the learned Chief Judicial Magistrate, Silvassa in CR No. 112 of 2016 is challenged.

4. Both the applicants/accused are prosecuted for the offence punishable under sections 465, 468 and 471 of the Indian Penal Code. The learned Magistrate by order dated 9th September, 2016 refused the police custody of the applicants/accused and granted bail on the first date of the application. The applicants/accused were travelled from the police custody to judicial custody. Hence, the complainant i.e., Union Territory Administrator of Dadra and Nagar Haveli through Inspector of Police, Silvassa filed Criminal Revision Application No. 8 of 2016, which was allowed by the judgment and order dated 17th September, 2016 passed by the learned Sessions Judge, Dadra and Nagar Haveli, Silvassa. The

learned Sessions Judge has set aside the order of travelling the applicants/accused from the police custody to judicial custody passed by the learned Magistrate.

5. The learned counsel for the applicants/accused has submitted that the applicants/accused are on bail since 9th September, 2016 though the Revision Application filed by respondent No.2 was allowed. This Court by order dated 20th September 2016 has stayed the order of granting the police custody of the applicants/accused passed by the learned Sessions Judge. The learned counsel has further submitted that the police have filed chargesheet against both the applicants/accused on 10th May, 2018. Under such circumstances, the police custody of both the applicants/accused has become infructuous.

6. The learned counsel for respondent No.2 and the learned APP confirmed the facts stated by the learned counsel for the applicants/accused.

7. In view of this submission and both the applicants/accused are on bail since 9th September, 2016, and as the chargesheet is filed against the

applicants/accused on 10th May, 2018, both the Criminal Applications have become infructuous and hence, disposed of.

(MRIDULA BHATKAR, J.)