

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.419 OF 2021

Rafique Dawood Kamdar : Petitioner.
Versus
The State of Maharashtra and anr. : Respondents.

Mr. S R Phanse i/b7y Mr. Sarfaraz Khalife for the Petitioner.
Mr. S R Shinde, APP for the Respondent/State.

CORAM : S. S. SHINDE,
N. J. JAMADAR, JJ

DATE : 30th JULY 2021

PC.

1 The learned counsel for the Petitioner invites our attention to the allegations made in the impugned FIR and submits that the allegations are false and there is no possibility of commission of alleged offences when the press conference was in progress. It is also submitted that the FIR has been lodged belatedly after one week of the alleged incident. The sum and substance of the submissions of the learned counsel for the Petitioner is that the FIR has been lodged out of vengeance and there is no substance in the allegations made in the FIR.

2 We have considered the submissions of the learned counsel for the Petitioner and carefully perused the allegations made in the FIR. There are two alleged incidents stated in the FIR with material particulars.

3 In that view of the matter, we are unable to persuade ourselves to grant any relief in favour of the Petitioner. The Petition stands rejected.

4 It is made clear that the observations made herein above are prima facie in nature and confined to the adjudication of the present writ petition and shall not be construed as an impediment to the Petitioner in availing of the appropriate remedy as is available in law after filing the charge-sheet by the Investigating Officer.

[N. J. JAMADAR, J]

[S. S. SHINDE , J]