

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION (APPLN) NO.26 OF 2020

(Rupali Mohan Khanna Vs. State of Maharashtra thr. PSO PS Buldhana City,
Buldhana, Dist. Buldhana and others)

CRIMINAL APPLICATION (APPLN) NO.9 OF 2021

(Rupali Mohan Khanna Vs. State of Maharashtra thr. PSO PS Buldhana City,
Buldhana, Dist. Buldhana and another)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Mr. A.A. Dhawas, Advocate for Applicant.
Mr. S.S. Doifode, APP for Non-Applicant 1/State.
Mr. Rupalia, Advocate for Non-Applicants 2 to 9.

CORAM: ROHIT B. DEO, J.

DATE: 3rd FEBRUARY, 2021.

Heard.

2. These applications are moved under Section 439(2) of the Criminal Procedure Code, 1973 (Code) seeking cancellation of pre-arrest protection granted to the accused in Crime 557/2020 registered with Police Station Buldhana City, Buldhana, District Buldhana for offences punishable under Sections 307, 376, 511, 452, 354, 354-A, 354-B, 294, 323, 506, 143, 147 and 149 of the Indian Penal Code.

3. The complainant is a Police Prosecutor who lodged the report concerning the incidents dated 03.07.2020, 05.07.2020 on 09.07.2020.

4. Considering that the investigation is complete, and the charge-sheet is ready and is awaiting the formal approval of the superior officer, it would not be necessary to consider the effect or implication of the delay in lodging the report. The complainant has some explanation and it would ultimately be for the trial court to take a call.

5. However, what I notice from the material in the case diary and from the submission that the investigation is complete, that custodial interrogation is not necessary.

6. In this view of the matter, I do not see any propriety in cancelling the pre-arrest protection since it is not shown that the discretion was exercised in an arbitrary or whimsical manner.

7. The applications are dismissed.

JUDGE