

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 529 OF 2022

Tejas Vikas Damle ...Petitioner.
Versus
The State Of Maharashtra & Anr ...Respondents.

Mr. Saurabh Mehta, For Petitioner
Mr. K. V. Saste APP, For Respondent State

CORAM : PRASANNA B. VARALE &
S.M. MODAK, JJ.

Date : March 15, 2022.

P. C. :

1. Heard learned counsel for the Petitioner. Learned counsel for the Petitioner claimed an urgency and submitted that the Petitioner is a young boy of 25 years and has recently completed his education in engineering stream. Learned counsel invited our attention to the show cause notice issued by Respondent no.2, copy of which is placed on record at Exhibit-A. The perusal of same shows that the petitioner is called upon to show cause by issuing notice under section 107 of the Criminal Procedure Code, 1973 and a reference is made to an offence registered against the Petitioner, namely, CR. No. 584 of 2021 on the allegation of commission of offence punishable under section 376(3) of the Indian Penal Code, 1860 and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012. Respondent no.2 has also

referred to a factual aspect of anticipatory bail granted in favour of Petitioner. Learned counsel, on instructions, submitted that in response to the said notice, the Petitioner had attended the office of Respondent no.2 on more than one occasion. Learned counsel further submitted that though it is not stated in petition, as per the instructions received by him, the Petitioner had filed a detailed reply to the show cause notice. The counsel further submitted that the Petitioner has raised grounds of unsustainability of notice under section 111 of the Code, and the Petitioner apprehends that without considering these grounds, the authority may pass adverse orders against the Petitioner.

2. Considering the submissions of learned counsel for the Petitioner as well as considering the material placed on record, we are of the opinion that the petition itself can be disposed of at this stage. It is not in dispute that the ultimate order is yet to be passed by the authority and as such the order will have to be passed by following due procedure and after hearing the Petitioner. Accordingly, we dispose of this petition with a direction to Respondent no.2 to pass appropriate orders by following due procedure and by considering the response or reply submitted by Petitioner. In case if such response / reply is not yet submitted by the petitioner, by way of last opportunity, we permit the Petitioner to submit his response / reply to Respondent no.2, within two

weeks from today. Respondent no.2 shall then pass appropriate orders. Needless to state that in case any adverse order is passed against the Petitioner, the Petitioner is at liberty to avail appropriate remedies as available to him under the provisions of law to challenge the said order, before the appropriate forum, including any judicial forum.

3. With the aforesaid directions, writ petition is disposed of.

[S. M. Modak, J.]

[Prasanna B. Varale, J.]