

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

CRIMINAL WRIT PETITION NO.311 OF 2022

Kashif Kamran Abdul Kalam

Vs.

The Special Executive Magistrate, Sitabuldi Division, Nagpur 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. V. Band, Advocate for petitioner.

Mrs. T. Udeshi, APP for respondents/State.

CORAM : AVINASH G. GHAROTE, J.

DATE : 06/05/2022

Heard Mr. Band, learned counsel for the
petitioner.

2. The petition challenges the show cause notice dated 30.03.2022 issued by the respondent no.1 to the petitioner calling upon him to show cause as to why action under Section 110(g) of the Cr.P.C. ought not be taken against the petitioner. Mr. Band, learned counsel for the petitioner, tries to contend that the communication dated 30.03.2022 (page 28) is not a show cause notice, but it is an order, however, I do not to agree with him. A perusal of the document dated 30.03.2022 (page 28) unmistakably shows that it is a show cause notice and the petitioner has been called upon to show cause why action under Section 110(g) read with Section 111 of the Cr. P.C. ought not be taken against him. In pursuance to this notice, it is permissible

for the petitioner to appear before the respondent no.1 and to file whatever submissions deemed necessary to oppose the show cause, and it is only after considering the submissions that the learned Magistrate would be entitled to decide the further course of action.

3. This being the position, I do not see any merit in the petition, the same is accordingly dismissed.

JUDGE

Sarkate