

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4088 OF 2021

1. Dhondiram Ganapati Sutar
2. Yusuf Akbar Ali Lokhandwala ...Petitioners

Versus

1. The State of Maharashtra
2. Shabbirali Mohdhnif Shaikh
3. M/s. Orbit Export through its
Partners mr. Rajiv Rajendra Modi
4. Juzer Shabbir Kapadia ...Respondents

Mr. Mahesh Devlekar for the Petitioners.

Mr. V.B.Konde Deshmukh, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
SHARMILA U. DESHMUKH, JJ.**
DATE : 27th APRIL, 2023

P.C. :

1. By this petition, the petitioners seek quashing and setting aside of the impugned notice dated 22nd March, 2021, issued by the Sewree Police Station, Mumbai, under Section 149 of the Criminal Procedure Code.

2. The petitioners have challenged the said notice on several grounds, including the ground, that the Police have no power to invoke Section 149 of the Criminal Procedure Code.

3. Learned APP, on instructions of Sunil Kshirsagar, PSI, states that the police have withdrawn the 149 notice issued by them.

4. Considering the statement made by the learned APP, on instructions i.e. the notice under Section 149 of the Criminal Procedure Code, has been withdrawn by the Police, nothing survives for further consideration in the aforesaid petition.

5. Accordingly, the petition stands disposed of.

SHARMILA U. DESHMUKH, J.

REVATI MOHITE DERE, J.