

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO.1964 OF 2023

Rakesh Shiva Shetty

.... Petitioner

versus

The State of Maharashtra

.... Respondents

.....

- Mr. Sandeep R. Karnik, Advocate for Petitioner.
- Mr. Arfan Sait, APP for the State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 15th JUNE, 2023

P.C. :

1. The Petitioner has challenged the show cause notice dated 05/04/2023 issued by the Special Executive Officer, Oshivara, Mumbai, u/s 107 of Cr.P.C. In my opinion, this is a premature stage and at this stage the show cause notice need not be quashed. The Petitioner shall participate in the enquiry.

2. Learned counsel for the Petitioner submitted that a bailable warrant is issued against him on 05/06/2023 and the next date is on 16/06/2023. Learned counsel for the Petitioner

states that he has some difficulty on 16/06/2023. Therefore some reasonable time be given and till then, the warrant be stayed. He submitted that on the next occasion, when he appears before the authority he will make an application for cancellation of the warrant.

3. The statement is recorded. The Petitioner is exempted from appearing before the Special Executive Officer, Oshivawa, Mumbai, only for date of 16/06/2023. On the next date given by the authority, the Petitioner shall remain present before the said Court and shall make an appropriate application for cancellation of the warrant. With these observations, the Petition is disposed of. All contentions are left open.
4. The Special Executive Officer, Oshivawa, Mumbai, shall decide the proceeding before him in accordance with law.
5. The Writ Petition is disposed of accordingly.

(SARANG V. KOTWAL, J.)