

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1062 OF 2021

Mrs. Ruksana Sayyadnoor Irani .. Applicant
vs.
The State of Maharashtra and Ors. .. Respondents

Ms. Sunita Warang i/b. Mr. Satish Mishra for Applicant
Ms. Mahalakshmi Ganpathy, APP for the State

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 30th NOVEMBER, 2023.

P. C.:-

1) The only prayer in the present Petitioner is as under:-

“a. that this Hon’ble Court be pleased to direct the respondent no.2 and 3 to issue 72 hrs. prior notice if the applicants are required in any case registered by any Police Station in the jurisdiction of Maharashtra”.

2) The Hon’ble Supreme Court in the case of *Vijaykumar Gopichand Ramchandani vs. Amar Sadhuram Mulchandani and Ors.* reported in 2022 SCC Online 1816 in para No. 2 has held that:

“The direction issued by the High Court to the effect that 72 hours’ notice should be given to the first respondent in the event that the State finds it necessary to arrest him in connection with any complaint pertaining to a cognizable offence at the behest of

the Joint Registrar (Audit) is manifestly incorrect in law. The Hon'ble Supreme Court has referred to and relied upon its decision in the case of Union of India v. Padam Narain Aggarwal.¹ Such a direction could not have been issued by the High Court."

3) In view of the decision of the Hon'ble Supreme Court in the case of *Vijay Ramchandani (supra.)* present Petition is wholly misconceived and is accordingly disposed off.

(SHYAM C. CHANDAK,J.)

(A. S. GADKARI, J.)

¹ (2008) 13 SCC 305