

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1668 OF 2023

Mr. Ramdas Bandal & Anr.

.. Petitioners

Vs.

The State of Maharashtra & Anr.

.. Respondents

- Ms. Lakshmi Raman, for the Petitioners.
- Mr. K.V. Saste, APP for Respondent No.1–State.

**CORAM : SUNIL B. SHUKRE &
M.M. SATHAYE, JJ.**

DATE : 2nd MAY, 2023.

ORAL JUDGMENT.–

1. Heard. Rule. Rule is made returnable forthwith. With the consent of the parties, the Petition is taken up for final disposal at the stage of admission itself.

2. Learned counsel for the petitioners submits that both the petitioners were present at the scene of crime only as customers, and, therefore, they cannot be said to be the persons who have been taken any part in the alleged offence committed by others at the spot of the incident.

3. Learned APP, on instructions from the Investigating Officer, who is

personally present before the Court, submits that the petitioners indeed were only the customers present at the spot of the incident. If this is so, the case of the petitioners would be squarely covered by the view taken by this Court in ***Criminal Writ Petition (ST) No.4799 of 2020***¹. Thus, the petition deserves to be allowed and it is accordingly allowed in the following terms:-

- (i) Criminal Case No.2922/PS/2019 pending before the Additional Chief Metropolitan Magistrate, 24th Court, Borivali at Mumbai arising out of C.R.No.58 of 2016, registered with Malad Police Station, Mumbai is quashed and set aside sofaras it relates to the petitioners in the present petition.
- (ii) Rule is made absolute in the aforesaid terms;
- (iii) The Petition is disposed of. No costs.

[M.M. SATHAYE, J]

[SUNIL B. SHUKRE, J.]

¹ Judgment dated 14th January, 2021