

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

CRIMINAL WRIT PETITION NO.280 OF 2023

Smt. Devrani w/o Shiva Shivankar and anr.

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.I. Ghatte, Advocate for the petitioners.
Shri Thakre, A.P.P. for the respondent/State.

CORAM : VINAY JOSHI AND BHARAT P. DESHPANDE, JJ.
DATED : 19/04/2023.

Heard.

2. This petition raises the challenge to mere an intimation of appearance to participate in the proceeding initiated under Chapter VIII of the Code of Criminal Procedure (the Code). The Executive Magistrate and Tahesildar, Murtizapur vide impugned show cause notice asked the petitioner to appear on 17.02.2023 for the proceeding initiated under Section 107 read with Section 166(3) of the Code. It is the petitioner's contention that initiation of proceeding is arbitrary, void and illegal.

3. Learned Counsel for the petitioner relied on the decision of this Court in case of *Vijay Purshottam Salvi @ Tambat vs. State of Maharashtra and ors. 2014(2) Bom.C.R.* to contend that the requisite procedure laid down under Section 111 of the Code has not been followed, hence the show cause notice vitiates.

4. It reveals that mere show cause notice of

appearance was issued. The petitioner has opportunity to point out the defence before the authority. In the circumstance, we are not inclined to entertain the writ petition against mere show cause notice. We expect that the Executive Magistrate, Murtizapur shall consider the petitioner's reply and passed the appropriate orders in accordance with law.

5. The criminal writ petition stands disposed of in above terms. No order as to costs.

(BHARAT P. DESHPANDE, J.)

(VINAY JOSHI, J.)

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