

M/L12
04.03.2024
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C.R.R.618 of 2024

In Re: An application under Section 482 of the Code of Criminal Procedure, 1973;

M/s. Lal Mithi Textile and another
Versus
Riddhi Siddhi Cotex Private Limited and others

Mr. Saikat Basu
Ms. Rubina Akhtar.
...for the petitioners.

The subject matter of challenge relates to a notice under Section 91 of the Code of Criminal Procedure by the Enquiry Officer being Sub-Inspector of Police, MIDC CIDCO Police Station, Aurangabad, Maharashtra.

Learned advocate appearing for the petitioners submits that the police authorities could not have issued a notice under Section 91 of the Code of Criminal Procedure upon the present petitioner no.2 who has been proposed to be implicated in connection with the instant case and automatically incriminate him in connection with the case concerned. Additionally, it has been submitted that the petitioner no.2 by way of a notice under Section 91 of Code of Criminal Procedure has been directed to be personally present before the concerned Police Station. According to the learned advocate for the petitioners, petitioner no.2 is a small business man and it is very difficult for him to go to Aurangabad City and furnish the documents which have been called upon by the Sub-Inspector.

The subject matter of MIDC, CIDCO Police Station of

Aurangabad City, Maharashtra is not within the jurisdiction of this Court, if the petitioners are aggrieved in that case the petitioners have to approach the High Court having jurisdiction over Aurangabad City, Maharashtra.

So far as the contents of the notice under Section 91 of the Code of Criminal Procedure is concerned, I find that an enquiry is being conducted and no case at this stage has been registered with any Police Station and the same is being conducted by the Police Station pursuant to the guideline framed by the Hon'ble Supreme Court in the case of Lalita Kumari Vs. State of Uttar Pradesh reported in AIR 2012 SC 1515.

Having considered that no case has been registered till date the liberty of the petitioners as such have not been jeopardized and the petitioner no.2 ought to have cooperated with the Enquiry Officer. Be that as it may, this Court lacks jurisdiction to entertain the revisional application.

Consequently, CRR 618 of 2024 is dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)