

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.2328 OF 2023

Mohammed Shahid Mohd. Amin Qureshi ...Petitioner

vs.

The State of Maharashtra and Another ...Respondents

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PAREKAR

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Mr. Abdul Hafeez Yakub Kotwala i/b.Sumaira Legal Associates, for
the Petitioner

Mr. S.R. Agarkar, APP for the State.

Mr. Kishor Zoting, API, Chunabhatti police station.

CORAM : N. J. JAMADAR, J.

DATE : JANUARY 18, 2024

P.C.:

1. Heard the learned counsel for the parties.
2. This petition calls in question the legality, propriety and correctness of an order passed by the learned Additional Sessions Judge in Criminal Appeal No. 414 of 2022 whereby the learned Judge declined to interfere with an order passed by the Special Executive Magistrate on 4th July, 2022 under section 116(3) of the Code of Criminal Procedure, 1973 directing the appellant to execute a bond for a period of six months.
3. The learned Additional Sessions Judge found no illegality in the order passed by the Special Executive Magistrate, as there was an apprehension of threat to public peace borne out by the record of the appellant.

4. It is imperative to note that the learned Special Executive Magistrate has directed the applicant to execute a bond for a period of six months only. It seems the order has been executed. Thus, at this stage, the petition is rendered infructuous.

5. Keeping open the right of the petitioner to raise the contention that the Chapter proceeding ought not to have been initiated as the complaints were lodged by the wife of the petitioner, in the event the impugned order passed by the Executive Magistrate is used to the prejudice of the petitioner, the petition stands disposed.

(N. J. JAMADAR, J.)