



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

CRIMINAL WRIT PETITION NO. 99/2024

(Krushna s/o Chandrakant Ghule & ors. Vs. The State of Maharashtra & anr.)

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

Court's or Judge's orders

Mr. R.D. Karode, Advocate for petitioners.

Mrs. K.H. Bhondge, Advocate for respondent Nos. 1 & 2.

CORAM: VINAY JOSHI AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 04/10/2024.

Heard.

2. The petitioner has called in question the impugned summon issued under Section 91 of the Code of Criminal Procedure("Code"), wherein the Investigating Officer of some other crime has directed the petitioner to deposit sum of Rs. 1,80,00,000/- with the Police. It is argued that Section 91 of the Code does not empower to issue direction to deposit money.

3. The learned counsel appearing for petitioners has placed on record the order of this Court dated 28.06.2024 passed in Criminal Application (APPW) No. 33/2024 in Criminal Writ Petition No. 101/2024, wherein similar issue has been dealt by this Court. Co-incidentally, the same Investigating Officer has issued similar notice to the then petitioner requiring them to deposit money relating to other

transaction. This Court came heavily on the Police about adopting this method and by deprecating, has quashed the impugned communication. There can be no justification for Police to summon unrelated person that too with a direction to deposit cash which is sort of recovery.

4. In view of above, impugned communication does not stand to reason. In the circumstances, impugned summon issued under Section 91 of the Code dated 16.01.2024 is hereby quashed and set aside.

5. Petition stands disposed of in above terms.

(MRS. VRUSHALI V. JOSHI, J.)

(VINAY JOSHI, J.)