

Salgaonkar

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Date: 2025.12.18 11:15:25 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO.6240 OF 2025

Tanveer Mohd.Imtiyaz Khan .. Petitioner

Versus

The State of Maharashtra & Anr. .. Respondents

...

Mr.Ashish Dubey for the Petitioner.

Mr.Tanveer Khan, A.P.P. for the State/Respondent.

**CORAM: BHARATI DANGRE &
SHYAM C. CHANDAK, JJ.**

DATE : 17th DECEMBER, 2025

...

P.C:-

1. The Petitioner alleges violation of Section 35(3) of the Bhartiya Nagrik Suraksha Sanhita corresponding to Section 41-A of the Code of Criminal Procedure, 1973, as he contend that the offences invoked in the subject C.R., on being convicted, would result in imprisonment upto seven years and, therefore, the directives of the Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar & Anr.***¹ ought to have been followed. According to him, non-compliance of the provision has rendered his arrest illegal and the Petition seek his release.

2. Despite our direction issued on 01/12/2025 to file the affidavit, the same is not filed. Today, the Investigating Officer

¹ (2014) 8 SCC 273

attached to South Cyber Police Station is present before us and he seeks some more time.

We permit the affidavit-in-reply to be filed, as we are desirous to know the grounds for which the Investigating Officer has deviated from the procedure prescribed and also failed to follow the directives issued by the Apex Court on more than one occasion i.e. in *Arnesh Kumar* (supra) as well as in *Satender Kumar Antil vs. Central Bureau of Investigation*².

Let the reply affidavit be filed within a period of two weeks from today.

3. We direct the listing of the Petition on **6th January, 2026** on Supplementary Board.

(SHYAM C. CHANDAK, J.)

(BHARATI DANGRE, J.)