

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3884/2012

(From the judgement and order dated 04/05/2012 in CRLA No.1699/2012, of
The HIGH COURT OF BOMBAY AT AURANGABAD)

SHAIKH HABEEB SHAIKH BASHIR & ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA

Respondent(s)

(With appln(s) for exemption from filing O.T. and stay of arrest and
permission to file additional documents and office report)

Date: 27/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Jayant Bhushan, Adv.
Mr. Shivaji M. Jadhav, Adv.
Mr. Brij Kishor Sah, Adv.
Ms. Prity Kunwar, Adv.

For Respondent(s) Mr. Sachin J. Patil, Adv.
Mr. Sanjay Kharde, Adv.
Ms. Asha Gopalan Nair, Adv.

UPON hearing counsel the Court made the following
O R D E R

We have heard learned counsel for the parties.

The High Court had earlier granted the interim protection in exercise of his power under Section 438 Cr.PC directing the present petitioners to co-operate with the investigation and subsequently cancelled the said protection in view of the statement made by the Investigation Officer that they were not presenting themselves before I.O. whenever they were required. However, the evidence produced by the petitioners on record is otherwise. Learned counsel appearing for the State has admitted the fact that the petitioners remain present before the Investigation Officer whenever their presence is required but they are not co-operating with the investigation. Mr. Jayant Bhushan, learned senior counsel appearing for the petitioners has shown us several other documents on record which reveal the position otherwise and further

undertakes that the petitioners will co-operate with the investigation.

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In view thereof, we set aside the order passed by the High Court on 4th May, 2012 and extend the protection to the petitioners under Section 438 Cr.PC on the terms and conditions to be determined by the trial Court.

The special leave petition is disposed of accordingly.

	(DEEPAK MANSUKHANI)		(M.S. NEGI)	
	Court Master		Court Master	