

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).3047/2010

(From the judgement and order dated 04/03/2010 in
261/2010 of The HIGH COURT OF BOMBAY)

CRLWP No.

SARFARAZ HANIF KHAN

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ANR.

Respondent(s)

(With appln(s) for stay and office report)

Date: 10/09/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Arvind S. Avadh, Adv.
Mr. Holmbe Patil, Adv.
Ms. Naresh Bakshi, Adv.

For Respondent(s)

Mr. Altaf Ahmed, Sr. Adv.
Mr. Satyajit A. Desai, Adv.
Ms. Anagha S.Desai, Adv.

Mr. Shankar Chillarge, Adv.
Ms. Asha Gopalan Nair ,Adv

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

Mr. Altaf Ahmed, senior advocate appearing

for respondent No.2, the informant, accepted that

the offence was committed in Bahrain, i.e. outside

India. He, however, submitted that so far the
matter was only investigated by the police and
after investigation, charge-sheet was submitted.

Any proceeding on the basis of the charge-sheet is
yet to commence before the Court.

Mr. Ahmed, submitted that the bar of
Section 188 of the Cr.P.C. did not come in the
way of investigation by the police. In support
of his submission, he relied upon a decision of

the Court in Ajay Aggarwal vs. Union of India and Others, (1993) 3 SCC 609 para 27.

relied upon by Mr. Ahmed fully applies to the facts of the case in hand.

Petition is, accordingly, dismissed.

At this stage, the counsel for the petitioner submitted that the charge-sheet was submitted in December, 2009 and till now no sanction under Section 188 of the Cr.P.C. was obtained. In case of any ordinate delay in the grant of sanction under Section 188, it will be open to the petitioner to seek his remedies before an appropriate Court.

(Neetu Khajuria)
Sr. P.A.

(S.S.R. Krishna)
Court Master