

Mohammed Sadiq Adam Shaikh vs The State Of Maharashtra on 14 August, 2024

Author: Sanjay Kumar

Bench: Sanjay Kumar

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IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. OF 2024
(arising out of SLP (Crl.) No. 4480 OF 2024)

MOHAMMED SADIQ ADAM SHAIKH	APPELLANT(S)
VERSUS		
STATE OF MAHARASHTRA	RESPONDENT(S)

WITH

CRIMINAL APPEAL NO. OF 2024
(arising out of SLP (Crl.) No. 7479 of 2024)

O R D E R

Criminal Appeal @ SLP(CRL.) NO. 4480 OF 2024 Leave granted.

Given the facts and circumstances of the case, where debate persists on whether Section 328 of the Indian Penal Code, 1860 would at all be applicable, we accept the present appeal and direct that if the appellant, Mohammed Sadiq Adam Shaikh, is arrested in connection with First Information Report No. 288 of 2023 dated 02.10.2023 registered with Police Station – Kankavli, District – Sindhudurg, Maharashtra for the offence(s) punishable under Section 328 of the IPC and Sections 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, he shall be released on bail by the arresting/investigating officer/trial court, on terms 1 For short, “IPC”.

and conditions to be fixed by the trial court.

In addition, the appellant, Mohammed Sadiq Adam Shaikh, shall comply with the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973.

Recording the aforesaid, the impugned order is set aside and the appeal is allowed.

We clarify that the observations made in this order are for disposal of the present appeal and grant of bail, and it will not be treated as expression of opinion on the merits of the case.

Pending application(s), if any, shall stand disposed of. CRIMINAL APPEAL @ SLP(CRL.) NO. 7479 OF 2024 Leave granted.

Given the facts and circumstances of the case, where debate persists on whether Section 328 of the Indian Penal Code, 1860 would be at all applicable, we accept the present appeal and direct that in the event of the appellant, Nayeem Ahmed Khan, being arrested in connection with First Information Report No. 149 of 2022 dated 16.02.2022 registered with Police Station – Yavat, District – Pune Rural, Maharashtra, for the offence(s) punishable under Sections 188, 272, 273, 328 and 34 of the IPC and Sections 26(2)(i), 26(2)(iv) and 27(2)(e) of the Food Safety and Standards Act, 2006, he shall be released on bail by the arresting/investigating officer/trial court, on terms and conditions to be fixed by the trial court.

In addition, the appellant, Nayeem Ahmed Khan, shall comply with the conditions mentioned in Section 438(2) of the Code of Criminal Procedure, 1973.

Recording the aforesaid, the impugned order is set aside and the appeal is allowed.

We clarify that the observations made in this order are for disposal of the present appeal and grant of bail and the same will not be treated as expression of opinion on the merits of the case.

Pending application(s), if any, shall stand disposed of.

.....J. (SANJIV KHANNA)J. (SANJAY KUMAR) NEW DELHI;

AUGUST 14, 2024.

ITEM NO.4

COURT NO.2

SECTION II-A

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. 4480/2024

(Arising out of impugned final judgment and order dated 30-01-2024 in ABA No. 207/2024 passed by the High Court of Judicature at Bombay) MOHAMMED SADIQ ADAM SHAIKH Petitioner(s) VERSUS THE STATE OF MAHARASHTRA Respondent(s) (FOR ADMISSION and I.R. and IA No.75133/2024-EXEMPTION FROM FILING O.T. IA No. 75133/2024 - EXEMPTION FROM FILING O.T.) WITH SLP(Crl) No. 7479/2024 (II-A) (IA No.114029/2024-CONDONATION OF DELAY IN FILING and IA No.114024/2024-EXEMPTION FROM FILING C/C OF THE

IMPUGNED JUDGMENT and IA No.114027/2024-EXEMPTION FROM FILING O.T.) Date : 14-08-2024 These matters were called on for hearing today. CORAM :

HON'BLE MR. JUSTICE SANJIV KHANNA HON'BLE MR. JUSTICE SANJAY KUMAR For Petitioner(s) Mr. Sandeep Sudhakar Deshmukh, AOR Mr. Nishant Sharma, Adv.

Mr. Vasudev Swain, Adv.

Mr. Sharanagouda Patil, Adv.

Mr. Shashibhushan Adgaonkar, Adv. Mrs. Supreeta Patil, Adv.

Mr. Jyotish Pandey, Adv.

M/s. S-legal Associates, AOR For Respondent(s) Mr. Aaditya Aniruddha Pande, AOR Mr. Siddharth Dharmadhikari, Adv. Mr. Bharat Bagla, Adv.

Mr. Sourav Singh, Adv.

Mr. Aditya Krishna, Adv.

Ms. Preet S. Phanse, Adv.

Mr. Adarsh Dubey, Adv.

UPON hearing the counsel, the Court made the following O R D E R Criminal Appeal @ SLP(CRL.) NO. 4480 OF 2024 Leave granted.

In terms of the signed order, it is directed that if the appellant, Mohammed Sadiq Adam Shaikh, is arrested in connection with First Information Report No. 288 of 2023 dated 02.10.2023 registered with Police Station – Kankavli, District – Sindhudurg, Maharashtra for the offence(s) punishable under Section 328 of the IPC and Sections 26(2)(iv), 27(3)(e), 30(2)(a) and 59 of the Food Safety and Standards Act, 2006, he shall be released on bail by the arresting/investigating officer/trial court, on terms and conditions to be fixed by the trial court.

The appeal is allowed and disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of. CRIMINAL APPEAL @ SLP(CRL.) NO. 7479 OF 2024 Leave granted.

In terms of the signed order, it is directed that in the event of the appellant, Nayeem Ahmed Khan, being arrested in connection with First Information Report No. 149 of

2022 dated 16.02.2022 registered with Police Station – Yavat, District – Pune Rural, Maharashtra, for the offence(s) punishable under Sections 188, 272, 273, 328 and 34 of the IPC and Sections 26(2)(i), 26(2)

(iv) and 27(2)(e) of the Food Safety and Standards Act, 2006, he shall be released on bail by the arresting/investigating officer/trial court, on terms and conditions to be fixed by the trial court.

The appeal is allowed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(R.S. NARAYANAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)