

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Writ Petition No. 632 Of 2012.

DR. RAJSHREE RUPESH DESHMUKH.
R/o.: Jivhala Hospital, Malegaon-Tarola Road, Nanded.

VERSUS

APPROPRIATE AUTHORITY,
Tahasildar, Nanded & Ors.

Appearance =>

Mr. R.N. Dhorde, Senior Counsel i/by Mr. Vikram Dhorde, Advocate
for the Petitioner.

Mr. V.P. Kadam, Additional Public Prosecutor for the State of
Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 26th FEBRUARY, 2015.

Per Court :-

Speaking to minutes of order dated 5th January, 2015 passed by this
Court in Writ Petition No.632/2012.

Motion is moved by the petitioner in Writ Petition No.632/2012 for
clarification.

[2] This court on 5th January, 2015 allowed Writ Petition No.632/2012
and quashed the order of issuance of summons and also made the Rule
absolute in terms of prayer clause (B).

Prayer clause (B) of the Petition reads as under :-

“ Quash and set aside the order dated 06.08.2011 passed by the learned Chief Judicial Magistrate, Nanded issuing summons to the petitioner entertaining the complaint filed by the respondent no.1 and the order dated 04.07.2012 passed by the learned Additional Sessions Judge-2, Nanded in Criminal Revision Application no.110/2011 dismissing the Revision and for that purpose issue necessary orders. ”

[3] Thus, when this court has made the Rule absolute in terms of prayer clause (B) that clearly implies that the directions were given to set aside the order issuing summons to the petitioner and entertaining the complaint. From that itself it is clear that, this court has already dismissed the complaint filed on behalf of the Respondent.

[4] The learned Senior Counsel has pointed out that after passing of such order also the learned Chief Judicial Magistrate has kept the matter alive. Submission of learned Senior Counsel is that since this court has already set aside the order of entertaining the complaint, that by itself clearly shows that complaint itself was dismissed.

[5] I have heard Mr. V.P. Kadam, learned Additional Public Prosecutor for the State of Maharashtra.

[6] This court was of the view that no case was made out in the complaint itself for issuance of summons. Thus, in fact, this court has dismissed the complaint.

[7] Thus, it was not open for learned Chief Judicial Magistrate, Nanded to keep the complaint alive in view of the judgment of this court dated 5th January, 2015. With this, motion is disposed of.

(V.M. DESHPANDE, J.)