

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL APPLICATION NO. 4093 OF 2015

Mr. Devashish Poddar & others

...Applicants

VERSUS

The State of Maharashtra & another

...Respondents

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Shri A.D.Ostwal, advocate for applicants

Shri M.M.Nerlikar, A.P.P. for respondent/State

Shri A.A.Mukhedkar, advocate for respondent no.2

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CORAM : A.B.CHAUDHARI & INDIRA K.JAIN, JJ.
DATED : 4th SEPTEMBER, 2015

ORDER :

- 1] Heard learned counsel for rival parties.
- 2] Learned counsel for the applicants has vehemently argued that default in making payment of price of purchase of the goods would be purely a civil dispute and would not constitute any criminal offence as alleged by the complainant.
- 3] We have perused the complaint filed by respondent/complainant. We have seen the definition of Section 415 of the Indian Penal Code as pointed out by the learned counsel for the applicants. Upon perusal of the first information report and the ingredients of Section 415 of the Indian Penal Code, at this stage we are unable to come to the conclusion that no offence is made out. On the contrary, further and complete investigation would reveal whether the offences are made out or not, but then liberty will have to be given to the applicants to apply for discharge before the trial court

after filing of the charge sheet, keeping all the points open in the application to be canvassed before the trial court.

4] Criminal Application No. 4093 of 2015 is disposed of with the liberty to the applicants to apply for discharge before the trial court after filing of the charge sheet.

Let the charge sheet be filed after completion of investigation.

No coercive action be taken for a further period of four weeks in order to enable the applicants to apply for anticipatory bail before the competent court.

[INDIRA K.JAIN, J.]

[A.B.CHAUDHARI, J.]

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