

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE JURISDICTION
CRIMINAL WRIT PETITION NO. 200 OF 2015

Ashok Kondiba Yenpure

.....Petitioner

V/s.

The State of Maharashtra and another

....Respondents

Mr. Devidas Jadhav i/b Mr. Shriram Kulkarni for Petitioner

Mr. Niranjan Mundargi for respondent

Mrs. A. A. Mane APP for the State

CORAM : SMT. SADHANA S. JADHAV, J.

DATED : SEPTEMBER 2, 2015.

PC :

Heard respective counsel.

- 2) Rule. Rule made returnable forthwith with the consent of the parties.
- 3) It is a matter of record that the verification statement of the complainant lacks particulars and moreover, contents of the complaint filed under 2 (d) of Code of Criminal Procedure, 1973 are not verified in the witness box by the complainant. It appears that complainant was requesting the Court to take appropriate action for recovery of the amount. In view of this, following order.

ORDER

- (i) Petition is allowed in terms of prayer clause 'a'

- (ii) Order of issuance of process dated 11/07/2013 passed by learned Judicial Magistrate First Class, Pune in Private Complaint No. 0401076 of 2013 is hereby quashed and set aside.
- (iii) Order passed by Additional Sessions Judge, Pune in Criminal Revision Application No. 643 of 2013 is hereby upheld.
- (iv) Rule is made absolute in above terms.

(SMT. SADHANA S. JADHAV, J.)