

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.140 OF 2015

Sandeep Bushan Jain

...Applicant

Versus

Ajit Jamnadas Mehta & Anr.

.... Respondents

Mr. Bushan C. Jain, power of attorney of the Applicant, present.

Mr. Kishor N. Bhatia for Respondent No.1

Mr. A.R. Patil, APP for Respondent No.2-State.

CORAM:-M.L. TAHALIYANI, J.

DATED : 20th MARCH, 2015.

P.C.

Heard the power of attorney holder of the Applicant, learned Advocate for Respondent No.1 and learned APP for Respondent No.2-State. Admit. By consent taken up forthwith for final hearing.

2. Perused the order passed by this Court on 5-12-2014 in Criminal Application No.316 of 2013. The Court felt that the order passed by the Magistrate acquitting the Applicant was cryptic and does not disclose as to on what ground the order was passed. Court has

not said anything more than this and the case was remanded back to the trial Magistrate for deciding the case in accordance with law. Court has also made it clear that if the parties are ready and willing to compound the offence, same could be done and appropriate order can be passed by the Magistrate. This Applicant alleges that said order was obtained by Respondent No.1 by making misrepresentation.

3. In my opinion, there was no misrepresentation in as much as the order itself indicates that the Court itself felt that the order was not proper. No submissions were made on behalf of Respondent No.2 to criticize the order of the Magistrate. As such I do not find any substance in the present application.

4. The application is dismissed accordingly.

(JUDGE)