

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.223 OF 2015

Bata India Ltd.

... Applicant

Versus

The State of Maharashtra

...Respondent

.....

Mr. Satyam Dewani a/w Mr. Pratik Thakkar i/b
Dewani Associates.

Smt. P.P. Bhosale, APP for the Respondent -State.

CORAM:-M.L. TAHALIYANI, J.

DATED : - MARCH 17th 2015.

P.C.

Heard learned Advocate Mr. Dewani for the Applicant
and learned APP for the Respondent -State.

2. Perused the impugned order, which runs as under :

“It seems that Complainant not mentioned the name of proposed accused in his application, against whom he is claiming alleged grievance and alleged criminal act committed by a person. Hence complainant to comply the initial objection First, before advancing further argument.”

3. It appears that the learned Magistrate is of the view that name of the proposed accused was necessary to be mentioned in the cause title of the application. Learned Magistrate shall take note of the fact that it was not necessary for the Applicant to mention name of the proposed accused in cause title of the application. It may be mentioned here that there could be a case where the complainant or aggrieved person may not be knowing the name or identity of the person who has committed the alleged offence. In that event it is possible that the Applicant /complainant may not be able to name the accused in his complaint /application. However, in the present case the Applicant in his application before the learned Magistrate has clearly stated that one Mr. Tony Vallecha has committed the alleged offences. The contents of paragraph No.5 are being reproduced here for benefit of the learned Magistrate :

“The said Mr. Tony Vallecha further represented that he is currently running an outlet at the Airport and is willing to take up the assignment as an agent of BIL for running and maintaining the “Special Outlet” promoting and selling the products of BIL brands. The said Mr. Tony Vallecha is hereinafter referred to as “Accused Person”, for the sake of brevity and convenience.”

4. Apart from the fact that learned Magistrate probably is not clear in his mind about the law in respect of the applications

under section 156 (3) of Criminal Procedure Code. What is noted is that learned Magistrate is trying to flout the earlier order passed by this Court in Criminal Application No.117 of 2015. Court has taken serious note of it. In any event without going into the details of discrepancies found in the order of learned Magistrate, this Court issues following directions.

- a) Learned Magistrate shall not insist for mentioning name of the proposed accused in the cause title of the application;
- b) Learned Magistrate shall decide the application on its own merits, as expeditiously as possible and not later than eight days from the date of this order.

5. The application stands disposed of. Learned Magistrate shall act on authenticated copy of this order.

(JUDGE)