

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4359 OF 2014

Niyaz Ahmed Abdulla Shaikh .. Petitioner
-Versus-
Muzaffar Husain & Anr. .. Respondents

Mr.S.G.Kudle for petitioner
Mr.A.M.Shakeel for respondent No.1
Mr.V.B.K.Deshmukh, APP for State.

CORAM : M.L.TAHILIYANI, J.

DATE : 12th January 2015.

P.C.

1] Heard learned Advocate Mr.Kudle for petitioner, Advocate, Mr. A.M. Shakeel for respondent No.1 and Mr.Deshmukh, learned APP for State. The petitioner is facing trial for offences punishable under section 500 of Indian Penal Code on the basis of a complaint filed by the respondent No.1. The whole complaint is based on a letter dated 12th May 2014, a copy of which is annexed to the petition. The said letter was addressed to Mr.Muzaffar Kazi, Secretary of the Baitulaman Coop.Housing Society, Imamwada Road, Mumbai by Advocate Mr.M.R.Phal on behalf of the petitioner.

2] I have gone through the said letter. It is stated in the said letter that the respondent No.1 has not given account of certain amounts received by him. It is not stated that the Secretary has misappropriated and/or defalcated the said amount. Prima facie no case is made out to issue process.

3] The writ petition is allowed. The proceedings pending against the petitioner before the Metropolitan Magistrate, 57th Court, Mazgaon, Mumbai vide C.C.No.4876/SS/2014 shall stand quashed. The bail bonds of the petitioner shall stand cancelled.

(M.L.TAHILIYANI, J.)