

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Criminal Application (APL)No.69/2013
 Omprakash Purushottam Sarda Vs. State of Mah. and others.

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Dhumale, Advocate for the applicant.
 Ms. Udeshi, APP for the State.
 Shri Chopde, Advocate for the respondent no.2.

**CORAM : A.B. Chaudhari &
 P.N. Deshmukh, JJ.**

DATE : 10.04.2015.

Following is the prayer clause (a) in the present criminal application:-

“quash and set aside the charge sheet bearing No.99/2012 dated 27.08.2012 u/s. 420 of Indian Penal Code (Annexure-A) registered by Police Station Umarkhed, Distt. Yavatmal against the present applicant”.

The learned counsel for the applicant vehemently argued inviting our attention to the F.I.R. as well as charge-sheet that the averments in the F.I.R. as well as the charge-sheet, at the most, constitute a consumer grievance and not only that the applicant is merely a distributor of the vehicles. He further submitted that the faults in the vehicle purchased by the complainant have no connection whatsoever with the applicant since it was manufacturer, who could be held responsible. He, therefore, submitted that this Court should interfere in the jurisdiction under Section 482 of the Code of Criminal Procedure.

The learned APP submitted that the charge-sheet has been filed and this Court should not evaluate the case of either

side since no definite finding can be recorded on the basis of the charge-sheet.

Upon hearing the learned counsel for the rival parties and upon perusal of the FIR as well as the charge-sheet. we find that though it is true that the cause of action is the mixed one namely consumerism and criminal, it is difficult for us to separate the chaff from the grain. The evaluation of the charge-sheet and evidence cannot be made in the present jurisdiction. We, therefore, think that the appropriate remedy for the applicant is to approach the trial Court since eventually charge-sheet has been filed. Hence, we make the following order:-

Order

- (i) Criminal Application (APL) No.69/2013 is disposed of with liberty to the applicant to approach the trial Court for discharge, if so advised or take such alternate steps as are available in law.
- (ii) If such application is filed, the same may be decided expeditiously.

JUDGE

JUDGE