

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Criminal Application (APL) No.62 of 2014
(Dinesh Sakhare V/s State of Maharashtra, thr S.D.O. Daryapur, Dist-
Amravati 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 R.J. Shinde, Adv for applicant.
Shri V.A. Thakare, APP for respondent]

CORAM : A.B. CHAUDHARI, J.
DATED : 17.06.2015.

Heard the learned Counsel for the rival
parties.

The following order is made by the
Additional Sessions Judge, Achalpur on
24-12-2013, which is reproduced as under :-

O R D E R

[1] *Petition is allowed.*

[2] *Impugned order dated
24.09.2013 passed criminal case no.
01/13 by learned Sub Divisional
Magistrate, Daryapur is hereby set
aside.*

[3] *The matter is remanded to
learned Sub-Divisional Magistrate,
Daryapur for fresh inquiry.*

[4] *The inquiry shall be completed
by the end of March, 2014.*

[5] *There shall be closer of motor garage business by petitioner pending completion of inquiry by learned S.D.M., Daryapur, as contemplated under section 142 of Code of Criminal Procedure.*

[6] *Petition is disposed of.*

It is not in dispute that the applicant has been running his business of repairing etc in motor garage and causing nuisance to the public. The applicant has thus clearly flouted the order passed by the learned Additional Sessions Judge and continued his activity. I think the applicant should not have done so and actually has committed the contempt, but then the applicant is directed to stop the business forthwith as directed by the learned Additional Sessions Judge in the said order. Therefore, for the present without proceeding to take any action against the applicant, the applicant shall forthwith close down the garage from today. If the applicant does not stop running the said business of garage by day after tomorrow, the Police Station Officer, Achalpur shall seize the entire articles of the garage and seal the garage forthwith. In the light of the same, the Sub Divisional Magistrate, Daryapur is directed to complete the proceedings as directed the the Additional Sessions Judge, Achalpur after hearing the concerned parties, within a period of four months from today.

The parties shall appear before the the Sub-Divisional Magistrate, Daryapur on 21-07-2015.

Steno copy of this order be provided to the parties to act upon.

JUDGE

Deshmukh