

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO.337/2010

(Yugpradhan Panalaji Mehta ..vs.. Deoraj Jethabhai Gosar)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M. V. Samarth, Advocate for applicant.
Mr. R. L. Khapre, Advocate for non applicant.

CORAM : A. B. CHAUDHARI, J.

DATE : OCTOBER 29, 2015.

Following are the prayer clauses in this application:

“(01) Call for the record and proceedings of Summary Criminal Complaint Case No.04/2010 from the file of Learned J.M.F.C. Court No.1 at Digras, Distt. Yavatmal; and

(02) Kindly quash the complaint bearing Summary Criminal Case No.04/2010 on the file of the Learned J.M.F.C. Court No.1 at Digras, Distt. Yavatmal the same being not maintainable;”

It is not in dispute that Summary Criminal Complaint Case No.4/2010 was filed in the Court of Judicial Magistrate First Class, Digras. By the present application under Section 482 Cr. P. C. the applicant has raised an objection that the J.M.F.C. Digras, will have no jurisdiction to try the same on the basis of the later judgments of the Supreme Court.

However, the law has undergone change by

virtue of ordinance issued by the Hon'ble President of India on 22.09.2015. As per the said ordinance and in particular amendment to Section 142A (1), the Amendment Act could be retroactive and consequently, the revision would be tenable in the Court of J.M.F.C. at Digras.

Mr. Samarth, learned counsel for the applicant, further argued some other points, which are taken in the application but then it is not necessary for me to consider any other point except the one above.

In the light of the above, following order is passed.

ORDER

(i) Criminal Application No.337/2010 is disposed of holding that the Court of Judicial Magistrate First Class at Digras, where the complaint is filed, will continue to have jurisdiction over Summary Criminal Case No.4/2010 and shall be tried before the said Court.

(ii) All the points of facts as well as law including the tenability of the complaint on other points than the one of territorial jurisdiction are kept open.

(iii) In view of pendency of the present application since long, the trial shall be expedited and completed within a period of one year from today.

JUDGE