

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

**Criminal Application [APL] No.183 of 2015**

*(Prakash Janardhan Pimpadkar*

*vs.*

*The State of Maharashtra, through P.S.O. Wani, and another)*

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

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*Court's or Judge's Orders*

*Mr. H.P. Lingayat, Advocate for the Applicant.  
Mr. H.D. Dubey, A.P.P. for Non-Applicant No.1.*

**CORAM : B.P. DHARMADHIKARI AND**  
**P.N. DESHMUKH, JJ.**

**DATE : JUNE 24, 2015.**

Heard Advocate Mr. Lingayat for the applicant and  
learned A.P.P. Mr. Dubey for non-applicant no.1.

Perused the complaint lodged by one Baban  
Shriniwas Soyam (respondent no.2) against Dilip Bhoyar and  
present applicant.

Efforts of Advocate Mr. Lingayat is to demonstrate  
that when complainant does not allege any overt act by  
applicant-Prakash on 10/07/2014, by improvement in the  
statement of witnesses, overt role of Prakash has been added.  
This improvement, according to him, is fatal and, hence,  
applicant should not be made to suffer the persecution by asking  
him to face prosecution before the trial court. Learned A.P.P.  
Mr. Dubey submits that at least two statements of colleagues of  
non-applicant no.2 show participation of Prakash.

We find that F.I.R. came to be registered immediately and then charge-sheet was filed on 22/12/2014 under Sections 353, 332 read with Section 34 of the Indian Penal Code. A Regular Criminal Case No.351/2014 has thereafter been started on the file of Judicial Magistrate First Class at Wani. This Court has been approached more than eight months after the registration of F.I.R.

Interest of justice, therefore, can be met by keeping all contentions of Advocate Mr. Lingayat open and by permitting the applicant to appear before the Court of Judicial Magistrate First Class at Wani in R.C.S. No.351/2014 through his Advocate to raise necessary objections and to prosecute it.

Hence, with these directions and liberty, and also keeping all contentions of the learned Counsel for applicant open, we dispose of the criminal application.

**JUDGE**

**JUDGE**

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