

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

CRIMINAL APPLICATION (APL) NO.306/2015

(Dr. Krishnarao s/o Jagobaji Parate ..vs.. The State of Maharashtra, through Office
Incharge, Kotwali Police Station, Nagpur and anr.)

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

Court's or Judge's orders.

Mr. A. N. Ansari, Advocate for appellant.

CORAM : A.B. CHAUDHARI, J.

DATE : JULY 1, 2015.

This is an application under Section 482 of the Cr. P.C. Learned counsel for the applicant submits that the applicant is original complainant who has filed a private complaint for defamation under Section 500 of the Indian Penal Code. He submits that on 05.08.2012 the lone accused Kishor Ingle has expired and as such private complaint case stood abated but then the same could not be pointed out to the learned trial Judge.

On 11.04.2014, the learned trial Judge made an order below Exh.-1 in Reg.C.C. No.16/1999 dismissing it for want of prosecution. He submits that there is no question of prosecuting the complaint but in order to keep the record straight, the applicant wants an order in accordance with law.

I have seen certificate of death at Annexure -II and I am satisfied from the submissions

made by learned counsel for the applicant that the accused-Kishor Ingle died on 05.08.2012 and the complaint stood abated. Hence, I make the following order.

ORDER

- (i) Criminal Application No.306/2015 is allowed.
- (ii) Impugned order dated 11.04.2014 passed by J.M.F.C. Court No. 8, Nagpur in Regular Criminal Case No.16/1999 is set aside.
- (iii) Regular Criminal Case No.16/1999 stood dismissed as abated due to death of the accused-Kishor Ingle.

JUDGE

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