

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

CRIMINAL WRIT PETITION NO.1053 OF 2014

(Satish s/o Harikishan Chavan and another vs. State of Maharashtra)

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

Shri C.N. Deshpande, Advocate for petitioners.

Shri H.D. Dubey, Additional Public Prosecutor for
respondent.

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

DATED : JUNE 22, 2015

Shri Deshpande, learned Counsel for
petitioners, at the threshold expressed some
difficulty in assisting the Court as he is awaiting
instructions and petitioners have not given the same.

The matter is of 2014 and the complaint
in reference to which relief is sought appears to have
been filed on 14/3/2013. Because of expiry of period
of more than two years, we are not inclined to
adjourn the matter.

The fact shows that petitioners under Right to Information Act could get a copy of communication dated 9/7/2014, which discloses that 'A' summary has been lodged in the Court of Judicial Magistrate, First Class on 17/1/2014.

Shri Deshpande, learned Counsel for petitioners, has pointed out that after Criminal Writ Petition No.283/2013 filed before this Court was withdrawn on 7/5/2013 with liberty, the petitioners filed an application under Section 156(3) of Code of Criminal Procedure before the Court of Chief Judicial Magistrate, Nagpur and the said Court has thereafter issued directions to Police to investigate the matter. He submits that the said matter was placed before trial Court on 6/5/2015 and till that date, compliance with order of trial Court dated 21/5/2013 was not reported.

Shri Dubey, learned Additional Public Prosecutor is relying upon reply-affidavit. However, reply-affidavit does not disclose whether 'A' summary has been tendered after investigation in obedience to the order dated 21/5/2013 of the learned Magistrate. In any case, relevance of that order and

also of `A' summary placed on record cannot be ignored by this Court. Shri Deshpande has, however, submitted that accused persons named in the complaint have obtained anticipatory bails. According to him, in this situation, submission of respondent that there is no material against accused persons is without any merit.

In the light of orders passed under Section 156(3) of Code of Criminal Procedure, compliance of which trial Court is awaiting and `A' summary, which has been produced before this Court, it is clear that at least at this stage, this Court cannot pass any order under Articles 226 and 227 of Constitution of India.

We direct parties to appear before trial Court on 6/7/2015 and to abide by further instructions of the trial Court in the matter. The trial Court shall look into `A' summary report and other material on record and take suitable decision within a period of eight weeks. With these directions and keeping all rival contentions open, we dispose of the criminal writ petition. No order as to costs.

In view of above, Criminal Application

No.40/2015 stands disposed of.

JUDGE

JUDGE

khj