

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

Criminal Application (APL) No.833 of 2014

Ramesh Gopalrao Deshmukh and one

-Vrs.-

The State of Mah. through P.S.O. Shegaon and another.

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

Court's or Judge's orders.

Shri K.C. Deogade, h/f Shri N.R. Tekade, Counsel for applicant.

Ms. Rane, APP for respondent no.1.

Shri S.J. Kadu, Counsel for respondent no.2.

CORAM : A.B.CHAUDHARI AND
P.N. DESHMUKH, JJ.

DATED : 13th APRIL, 2015

Learned counsel Shri Deogade prays for adjournment. Learned counsel for respondent no.2 Shri S.J. Kadu has objection and he is opposing the adjournment on the ground that the objections are not being removed for the last almost eight weeks. He further submits that the charge sheet has been already filed and the adjournment is being sought with a view to delay the matter. In light of the above objection we reject the prayer for adjournment and proceed to hear the matter.

Heard the learned counsel for the parties. We have perused the affidavit in reply filed by respondent State. We have perused the FIR so also the nature of the proceedings of civil nature which are pending in the court of Civil Judge,

Junior Division, Shegaon. Looking to the FIR as well as charge sheet, we are of the opinion that it is not possible for us in the jurisdiction under Section 482 of the Code of Criminal Procedure to evaluate the entire evidence and to find out whether criminality is not involved and the dispute is of civil nature. That can well be done by the trial court upon appreciation and evaluation of the charge sheet in entirety, so also the FIR. We are not in a position to do so and therefore we make the following order.

ORDER.

Criminal Application (APL) No. 833/2014 is disposed off reserving liberty in favour of the applicant to take such other alternate steps as are available in law. If the application for quashing of the charge sheet is made, the same shall be decided at the earliest possible.

JUDGE

JUDGE

Hirekhan