

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

CRIMINAL WRIT PETITION NO. 336 OF 2016

SAU CHANDRAKALABAI W/O SHESHRAO KHARAT
AND ANR
VERSUS
THE SECRETARY AND OTHERS

...
Advocate for Petitioners: Mr.M.B. Ubale
holding for Mr. L.K. Pradhan
APP for Respondent/State:Mr.D.R. Kale
Advocate for Respondent nos. 4 to 9:
Mr.S.J.Salunke

...
CORAM: S.S.SHINDE & SANGITRAO S. PATIL, JJ.
Dated: September 16, 2016

...

It appears from the pleadings and the prayers in the Petition that Respondent Nos. 4 to 9 are not necessary parties to the Petition.

2. In the circumstances, the learned counsel appearing for the petitioners shall delete Respondent Nos. 4 to 9 from the array of the Respondents. Amendment

to be carried out forthwith. Reply filed by Respondent Nos. 4 to 9 should not be treated as a part of record of this Criminal Writ Petition.

3. Heard the learned counsel appearing for the petitioners and the learned A.P.P. appearing for the Respondent/State. It appears that the A.D. was registered and further investigation on the basis of it has been done by the Investigating Officer and the Report is submitted to Taluka Executive Magistrate.

4. In our opinion, keeping in view the pleadings in the Petition and prayers made therein, it would be appropriate for the petitioners to avail of the remedy by filing the complaint before the Magistrate concerned. In case, the petitioners file such complaint, the Magistrate shall consider the same on its own merits in accordance with law.

5. With the above observations, the Petition stands dismissed.

(SANGITRAO S. PATIL,J)

(S.S. SHINDE,J)