

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

CRIMINAL WRIT PETITION NO. 1318 OF 2016

Mukund Madan Bhavsar

...Petitioner

VERSUS

The State of Maharashtra & ors.

...Respondents

.....

Shri A.P.Bhandari, advocate for petitioner

Shri K.D.Munde, A.P.P. for respondent no.1

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CORAM : N.W.SAMBRE, J.

DATED : 19th October, 2016

PER COURT :-

Heard learned counsel for the parties.

2. The petitioner claims to be the employee of M/s Tatiya Industries, manufacturing polythene bags at MIDC Jalgaon.

3. Against Bank Hundi, certain material was dispatched to the respondent/accused no.1, which

was not honoured. As such, it is claimed that accused nos.2 and 3, in connivance with respondent no.1, disposed of the said consignment by practicing fraud on the present petitioner.

4. On the basis of above referred document, Regular Criminal Case No. 150 of 1999, for offences punishable under Sections 403, 406, 420, 468 r/w 34 of the Indian Penal Code came to be initiated before the Judicial Magistrate, First Class, Jalgaon. The complaint as against accused no.1 is already dismissed pursuant to the provisions of Section 256 of the Code of Criminal Procedure resulting into his acquittal. The complaint against accused nos.2 and 3 came to be dismissed vide judgment and order, dated 3.12.2004, which was subject matter of Criminal Revision Application No. 266 of 2012, which also came to be dismissed by order, dated 4.8.2016.

5. In the above referred backdrop, learned counsel for the petitioner submits that both the

Courts below have committed an error of law by dismissing the complaint when sufficient material was brought on record against accused nos. 2 and 3 as regards their involvement. He would then urge that the findings recorded herein will have direct impact over the civil proceedings in between parties pending before the Courts.

6. Having considered the contentions raised by the parties and the observations made by both the Courts below, it is required to be noted that the complaint is already dismissed against accused no.1 resulting in to his acquittal. Apart from it, the authorization of the present petitioner to file such complaint was not placed on record as observed by the Courts below. The other material placed on record, including that of evidence, was duly considered and both the Courts below have rejected the claim of the petitioner. In my opinion, the orders passed by both the Courts below do not warrant any interference in the extraordinary jurisdiction by this Court. The

petition, as such, fails.

7. In the result, Criminal Writ Petition stands dismissed.

(N.W.SAMBRE, J.)

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