

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1804 OF 2010

Mr. Jayesh Ramanlal Gadia and Others. .. Applicants

Vs

Mohammed Shafiq Safar Ali Ansari and Others. .. Respondents

—

Shri Shirish Gupte, Senior Advocate along with Shri Subodh Desai i/b
Shri Punit B. Anand for the Applicants.

Shri N.R. Bubna for the Respondent No.1.

Ms. M.H. Mhatre, APP for the Respondent No.2.

--

CORAM : A.S. OKA & A.A.SAYED, JJ

DATED : 1ST AUGUST 2016

PC.

1. The learned APP on instructions of PSI Shri B.T. Khairnar, Azad Nagar Police Station, Malegaon, states that after the chargesheet was filed against the Applicants, on 28th June 2012, the learned Judicial Magistrate, First Class, Malegaon passed an order stopping the proceedings under Section 258 of the Code of Criminal Procedure, 1973 and of discharging the present Applicants. A copy of the said order is produced along with the report dated 28th July 2016 signed by the Inspector of Police of Azad Nagar Police Station, Malegaon, addressed to the Public Prosecutor. The report and the copy of the order are taken on record and marked "X1 Collectively" for identification.

2. In view of the order dated 28th June 2012, it is not necessary to entertain this Application under Section 482 of the CrPC. Accordingly, the Application is disposed of. The Rule is discharged.

3. We make it clear that we have made no adjudication on the legality and validity of the order dated 28th June 2012 and all remedies of the first informant as regards the said order are kept open subject to the objections which may be raised by the Applicants.

4. We make it clear that in the event, the proceedings of the case are revived or the order dated 28th June 2012 is set aside, we grant liberty to the Applicants to file a fresh Application in this Court seeking reliefs which are sought in the present Application.

(A.A. SAYED, J)

(A.S. OKA, J)