

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 348 OF 2016

IN

CRIMINAL APPLICATION NO. 448 OF 2015

WITH

CRIMINAL APPLICATION NO. 255 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Amey Deshpande for Applicant.

Dr.F.R.Sheikh, APP for Respondent No.1.

Mr. Jagannathprasad Rajaram Shoke, Respondent No.2 in person.

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

DATE : SEPTEMBER 2, 2016.

P.C.

. Heard the learned counsel appearing for the applicant and the learned APP for the State.

2. This is an application for amendment of Criminal Application No. 448 of 2015 filed under Section 482 of the Code of Criminal Procedure, 1973.

3. The submission of the learned counsel appearing for the applicant is that on the basis of order dated 23rd June, 2009 passed by the learned Judicial Magistrate First Class, Kalyan, CR No. I-393/2009 had been registered with Mahatma Phule Chowk Police Station, Kalyan. He pointed out that there is a

substantive challenge to the said First Information Report in the main application under Section 482 of the Code of Criminal Procedure. He submits that though a copy of order is annexed to the main application, the said order is not formally challenged. The respondent no.2 opposes the application by pointing out that there is a gross delay.

4. We find that, First Information Report registered on the basis of the order dated 23rd June, 2009 is already challenged in the main application as seen from the prayer clause (A). In the circumstances, the amendment deserves to be permitted, as delay will not come in the way of the applicant.

5. Accordingly, the application is allowed in terms of prayer clause (A).

6. Amendment to be carried out within three weeks from the date on which this order is uploaded. Copies of the amended application be served on the respondent no. 2 as well as on the Public Prosecutor.

7. Place Criminal Application No. 448 of 2015 on board under the caption of “admission” on 15th October, 2016.

(A.A.SAYED,J.)

(A.S.OKA,J.)