

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1023 OF 2014

Siraj Sattar Khan & Ors.

..... Applicants

V/s

State of Maharashtra & Anr.

..... Respondents

None for the Applicants.

Dr. F.R.Shaikh, APP for the Respondent No.1/State.

Ms. Bimala P. Chounal i/b Mr. Narendra Kumar Singh for the Respondent No.2.

Mrs. Vaishali V. Thorat a/w Mr. Shreyas A. Mehta for the Intervener (Mr. Rajeev Sharma)

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

DATED : 18 OCTOBER 2016

ORDER:

1 Today Mrs. Thorat seeks intervention on behalf of Shri Rajiv Sharma. Perusal of the First Information Report and the statement of the second Respondent shows that the First Information Report is lodged by the second Respondent in his capacity as an employee of the said Rajiv Sharma. In the statement, he has stated that in September 2013 by taking amount of Rs.15,00,000/- from the said Rajiv Sharma, he handed over the shop to said Rajiv Sharma. He has stated that the said Rajiv Sharma employed him at the salary of Rs.20,000/- per month. The incident of 25 November 2013 took place when the said Rajiv Sharma was running the said shop. On plain reading of the statement of the second Respondent on the basis of which the First Information Report

was registered, we find that the said Rajiv Sharma is a necessary party to this Application being the real victim of the alleged offence. Unless he is heard, prayer for quashing on the basis of settlement between the Applicant and the second Respondent cannot be entertained.

2 We may note here that the said Rajiv Sharma had filed Writ Petition No.1038 of 2014 which is still pending in which reliefs have been claimed in relation to the First Information Report subject matter of this Criminal Application.

3 Accordingly, we direct the Petitioner to implead the said Rajiv Sharma as party Respondent No.3 by carrying out necessary amendment within a period of three weeks from the date on which this order is uploaded.

4 Place the Application under the caption of “fresh admission” on 5 December 2016.

5 We make it clear that on the failure of the Applicant to amend the Petition within stipulated time, the Application shall stand dismissed for non-prosecution without further reference to the Court.

(A.A. SAYED, J.)

(A.S. OKA, J.)

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