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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

**CRIMINAL APPLICATION NO. 879 OF 2015
IN
CRIMINAL APPLICATION NO. 604 OF 2015**

Ms. Taramati Sadanand Pathak ... Applicant

Versus

Mr. V.U. Seemon and anr. ... Respondents

Mrs. T.S. Pathak applicant in person.

Mrs. U.V. Kejriwal, A.P.P. For the State.

**CORAM : RANJIT MORE AND
V.L.ACHLIYA, JJ.**

DATED : 5th JANUARY, 2016

P.C. :-

Heard the applicant in person and the learned APP for the State.

2. This application is filed for a direction to the Collector to recover the amount of Rs.1.14 crore through auction of properties belonging to respondent no.1 along with interest as compensation awarded in the proceedings under section 138 of the Negotiable Instruments Act.

3. At page 6, the petitioner has annexed copy of the order

dated 5th December, 2014 passed by the learned Judicial Magistrate, First Class, Court No. 3, Pune. This order reveals that the learned Judicial Magistrate First Class has already directed the Collector, Mangalore to auction the properties referred therein. In the light of this order, the application is not maintainable in this Court. The applicant has already instituted proceedings for recovery of the amount referred hereinabove before the Judicial Magistrate First Class. We are therefore, not inclined to interfere with the application in exercise of powers under section 482 of the Code of Criminal Procedure. Applicant is at liberty to prosecute the proceedings for recovery which are pending before the learned Judicial Magistrate, First Class, Pune.

(V.L.ACHLIYA, J.)

(RANJIT MORE, J.)