

FARAD CONTINUATION SHEET

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

Criminal Application (aba) No. 59 of 2016

Omprakash Shamlal Agrawal

v.

The State of Maharashtra

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's orders

Mr. J. B. Gandhi Advocate for the applicant.
Mr. Shirpurkar, APP, for the respondent/States.

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Coram : S.B. Shukre, J.

Date : 27th JULY, 2016.

Heard learned counsel for the applicant and learned APP for the respondent/State.

Upon perusal of the F.I.R. and also the case diary, prima facie, impression that is gathered is that the dispute in question can be a case of private dispute between the dealer and sub-dealer tried to be brought into the realm of criminal law.

Learned APP, when asked by this Court, could not show to me any material which would support the allegation that this applicant was prima facie involved in forging the invoices and various other bills and other documents of Arya Automobiles, Jalgaon. Though it is the allegation of the complainant that their bills and invoices have been misused by

the applicant, which has been flatly denied by the applicant, there is no material as of now present on record which would suggest that the said contention is not baseless. Admittedly, this applicant was appointed as a sub-dealer by the complainant Arya Automobiles, Jalgaon. It appears that there is a dispute between the dealer and sub-dealer regarding amount of Rs.6,24,344/-, which amount, according to the complainant, is due to it and, which amount, according to this applicant, is not so due. From the case diary I could not see any material that would show criminal intention on the part of this applicant since beginning of the transaction or any misuse of the bills of Arya Automobiles, Jalgaon. In the circumstances, this application deserves to be allowed and it is accordingly allowed.

The interim anticipatory bail granted to the applicant on 01.2.2016 by this Court is hereby confirmed on the same conditions.

Judge

/TA/

Certificate

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