

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 132 of 2016
[Junaid Khan son of Hamid Khan Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. P.R. Agrawal, Adv., for the applicant.
 Mr. M.J. Khan, APP for respondent no.1.
 Mr. H.M. Sakhare, Adv., for respondent no.2.

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**CORAM : B. P. DHARMADHIKARI
AND
A.S. CHANDURKAR, JJ.**

DATE : 24th August, 2016

Heard.

The report, as lodged, shows the specific assertion that because of promise to take back the goods if they are not sold, complainant purchased the material. Thereafter, he attempted to return the unsold material and demanded money back. As there was no response, he filed police complaint.

Submission of applicant is, this is only a civil liability.

Learned APP, as also counsel for respondent no.2 submit that because of promise, which was held out,

material was purchased.

If the promise and its breach is established, an offence may be made out. As such, we are not inclined to interfere at this juncture.

Keeping all rival contentions open and with liberty to applicant to move an appropriate application before Trial Court as and when occasion therefor arises, we **dispose of** the present Criminal Application.

It is clarified that findings by us supra are only for the purposes of deciding present controversy, and shall not influence the court below while considering the matter on merits.

Judge

Judge

|hedau|

C E R T I F I C A T E

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

Uploaded by : R.B. Hedau,
Pvt. Secretary.

Uploaded on : 24th Aug., 2016

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