

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APL) NO. 184 OF 2016

(VIJAY DEVJI WAKODE & ANR..VS..STATE OF MAH. THR. PSO MALKAPUR & ANR.)

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

Court's or Judge's orders

Shri S.D.Chande, Advocate for Applicants.
Shri R.S.Nayak, A.P.P. for Respondent No.1.
Shri S.V.Sirpurkar, Advocate for Respondent No.2.

CORAM : B.P.DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : NOVEMBER 25, 2016.

Heard.

Perusal of the report dated 29/10/2015 *prima facie* shows that some offence has been committed. The contentions of the learned counsel for the petitioner is that the petitioner, who is a responsible government officer, was present in the Court of Judicial Magistrate First Class, Malkapur at about 6' O Clock in the evening and he has been roped in a false case.

The effort is to demonstrate that the non-applicant No.2 is habitual and makes such false allegations.

It is apparent that the defence of the applicant cannot be gone into at this stage. This Court has on 4th April, 2016 while issuing notice in the matter restrained filing of the chargesheet. It appears that by now investigation is over.

In this situation, we permit the respondent No.1 to file appropriate report before the Court of learned Judicial Magistrate First Class, Malkapur.

We grant liberty to the petitioner to move appropriate application in accordance with law. Similarly, it is made clear that as applicant No.1 appears to be responsible government officer, no coercive steps shall be taken against applicant No.1, without prior approval of the Judicial Magistrate First Class, Malkapur.

With these directions and keeping all rival contentions open, we dispose of the writ petition.

Steno copy granted.

JUDGE

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