

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

CRIMINAL APPLICATION (APL) NO. 200 OF 2016

(Atul s/o Purshottam Jodh vs. The State of Maharashtra thr. PSO, PS Morshi, Dist. Amravati & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
OCTOBER 05, 2016.**

Heard Shri S.S. Dhengale, learned counsel for the applicant and Shri J.Y. Ghurde, learned APP for non-applicant No.1.

Non-applicant No. 2 is the officer (in person), who was discharging the functions as quasi judicial authority, at the time of alleged incident.

According to the prosecution, when on 01.02.2016, the matter under Mamalatdar Courts' Act was being heard by Sub-Divisional Officer, Morshi (SDO) and the present applicant was arguing it, the relatives/ friends of his client entered the Court room and created scene. According to the learned counsel, no role is played by the applicant and unnecessarily SDO, while discharging functions as quasi judicial authority, has involved him in the matter.

Shri Dhengale, learned counsel submits that the names of those persons are already disclosed to the investigating agency by the applicant.

The learned APP submits that while disclosing the names, the name of present applicant has been shown as

advocate representing the applicant before the SDO.

After hearing the respective counsel, we are satisfied that the SDO was discharging functions as quasi judicial authority and the applicant in his capacity as an Advocate was trying to assist him. When hearing was going on, his relatives/ friends have entered the Court hall and created some scene.

It is open to the SDO to proceed against them in accordance with law. He can also postpone the passing of final order till the contempt, if any, is purged. However, the applicant – Advocate cannot be roped in for such misbehaviour (alleged) of his clients.

We, therefore, quash and set aside the First Information Report to the extent it takes cognizance against the present applicant. The FIR against other persons named therein can be investigated into as per law.

With liberty to the SDO to pass such other orders as are open to it in law, we partly allow this application and dispose of the same. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.

CERTIFICATE

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

Uploaded by : G. Shamdasani

Uploaded on : 06.10.2016.