

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

CRIMINAL APPLICATION (APL) NO.317 OF 2015

Vasant Suganchand Apurva

..vs..

State of Maharashtra, through Police Station Officer, Police Station Ramdaspath, Akola,
Taluka and District Akola and anr

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

Court's or Judge's Order

Shri J.B. Gandhi, counsel for the applicant.
Shri A.R. Deshpande, counsel for NA No.2.
Mrs. M.H. Deshmukh, Addl.P.P. for NA No.1/State.

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

DATED : AUGUST 31, 2016.

The question is, whether the applicant was associated with Sunil Wamanrao Phirke as his employee or then in any capacity. According to the applicant, he was only a Zonal Manager and acted in that capacity. As his wages were not paid, ultimately he resigned.

Non-applicant No.2-complainant points out that he was contacted by Shri Phirke as also applicant and the applicant has also played active role in inducing him to part with money.

Learned Additional Public Prosecutor Mrs. M.H. Deshmukh for non-applicant No.1/State submits that investigation was at fag end when reply was filed before this Court. She is not aware of the subsequent

events. According to her, the applicant has claimed to be the employee of Shri Phirke.

The reply-affidavit is filed by non-applicant No.1/State. It is stated therein that factory claimed by the applicant or Shri Phirke to be in existence was found not to exist, non-applicant No.2 was given assurance and induced to part with money. Later, Shri Phirke has given a cheque to non-applicant No.2 to refund that amount. That cheque bounced and non-applicant No.2 has filed proceeding under Section 138 of the Negotiable Instrument Act, 1881 against Shri Phirke, those proceedings are pending.

This Court has not passed any interim order in the present matter. The applicant is the resident of Nashik only.

In this situation, we grant the applicant leave to make appropriate application before the Trial Court, in case charge-sheet is filed and take relevant pleas seeking discharge, if occasion therefor arises.

With this liberty and keeping all rival contentions on merit open, we dispose of the present criminal application.

Needless to mention that as investigation was at fag end in October, 2015, it must have been completed by now. Therefore, in case any persecution

or harassment surfaces, we grant the applicant leave to approach again in the matter. The application is, accordingly, disposed of. No costs.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

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

**Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)**

Uploaded on :- 1/9/2016

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