

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

**CRIMINAL APPLICATION (APL) NO. 614 OF 2016**

(Shri Ashok s/o Mulchand Jain vs. State of Maharashtra thr. PSO, Dattapur PS, District –  
Amravati & Anr.)

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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 &  
KUM. INDIRA JAIN, JJ.  
NOVEMBER 28, 2016.**

Heard Shri Anil Mardikar, learned Senior Advocate with Shri S.G. Joshi, learned counsel for the applicant, Mrs. M.H. Deshmukh, learned APP for non-applicant No. 1 and Shri Alok Daga, learned counsel for non-applicant No. 2.

The learned Senior Advocate points out the reply, particularly statement contained in para 3 of the Investigating Officer. In the said para, the Investigating Officer has found no material against the present applicant.

The said statement is being opposed by Shri Daga, learned counsel for non-applicant No. 2. He submits that the reply affidavit to be filed by non-applicant No. 2 is ready and yet to be sworn.

In view of the statement by non-applicant No. 1 on affidavit, we have taken on record reply (unsworn) to be filed by non-applicant No. 2. Its copy is made available to the learned Senior Advocate as also to the learned APP. The material therewith or contents therein also do not implicate the present applicant.

In this situation, without observing anything on merits of the matter and leaving all rival contentions of non-applicant No. 2 open, as we find that the grievance of the applicant in the matter does not survive. FIR to the extent it is against the present applicant, is set aside. Non-applicant No. 2 is at liberty to proceed before the Trial Court in the matter as per law.

Criminal Application is disposed of accordingly.  
No order as to costs.

**JUDGE**

**JUDGE**

\*GS.