

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

CRIMINAL WRIT PETITION NO.912 OF 2016
(Deepak s/o Sundarlal Murarka vs. M/s. Harjimal Onkarmal and others)

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

Shri U.J. Deshpande, Advocate for petitioner.

CORAM : P.N. DESHMUKH, J.

DATED : DECEMBER 06, 2016

Shri Deshpande, learned Counsel for petitioner, submits that learned District Judge-II, Akola, who is hearing the criminal appeal, has passed the impugned order dated 11/11/2016 by observing that in the event R & P is found necessary, it would be called. According to learned Counsel, R & P is necessary for just adjudication of issue involved in the criminal appeal.

On perusal of prayer made in the petition, it is revealed that limited relief is sought, i.e. to set aside the impugned order dated 11/11/2016 and to allow the application filed by petitioner on 17/10/2016 (Exh.28), vide which directions were sought to call for concerned record from the office of District Magistrate.

Having considered the limited relief sought, even without issuing notice to respondents, matter can be duly considered as according to impugned order, the learned trial Judge has not rejected the application (Exh. 28), but observed that in the event R & P is found necessary, the same would be called. Learned Counsel for petitioner submits that relevant record from the office

of District Magistrate is necessary to establish that respondent nos.1 to 3 are running petrol pump without authority as “no objection certificate” to run petrol pump stands in the name of one Harjimal Onkarmal, who died in 1959. It is also contended that though said respondents are legal heirs of deceased Harjimal Onkarmal, they have not adopted the course required to be undertaken for getting “no objection certificate” transferred in their names.

In that view of the matter, prima facie it is found that R & P is necessary for the purpose of disposal of Criminal Appeal No.121/2016. Therefore, prayer clause (ii) of the petition stands allowed.

The criminal writ petition is disposed of in the above terms with no order as to costs.

JUDGE

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