

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRI. WRIT PETITION NO. 267 OF 2016

Pitambar S/o Narayan Gaidhane

-vs-

The State of Maha., thr. Its Secretary, Mumbai and others

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

Court's or Judge's Orders.

Mr. R.A.Bagde, counsel for the petitioner.
Mr. A.M.Joshi, APP for the respondent Nos.1 to 3.
Mr. R.V.Sheh, counsel for the respondent No.4.

CORAM : REVATI MOHITE DERE, J.

DATE : 06.12.2017.

By this petition, the petitioner has impugned the order dated 04/12/2015 passed by the learned Civil Judge, Junior Division, Narkhed below Exhibit-1 in M.C.A. No.83 of 2014, by which the petitioner's application under section 91 of Criminal Procedure Code came to be rejected.

Learned counsel for the respondent No.4-Shriram City Union Finance submits, that the aforesaid petition would not survive, as Shriram City Union Finance has auctioned the articles, which are sought to be produced by the petitioner, on 15/04/2016 i.e. after the impugned order was passed.

Learned A.P.P. appearing for the respondent Nos.1 to 3 on instructions from the Investigating Officer states, that the Investigating Officer had informed the respondent No.4-Shriram City Union Finance not to deal with the articles, which were lying in their custody and, that despite the same, without taking permission from the concerned Court, the respondent No.4-Shriram City Union

Finance auctioned the articles, which were in their custody. He submits, that the Investigating Officer will take appropriate steps for bringing the same to the notice of the learned Magistrate, so that appropriate action/steps can be taken against the respondent No.4-Shriram City Union Finance. Statement accepted.

In view of the subsequent development i.e. auctioning of the articles sought to be produced by the petitioner, nothing survives for consideration in the present petition.

In view of the aforesaid, learned counsel for the petitioner does not press this petition and seeks leave to withdraw the same with liberty to take appropriate steps/action against the respondent No.4-Shriram City Union Finance as well as the concerned Investigating Officer. Accordingly, the petition is disposed of as withdrawn with liberty as prayed for.

All contentions of all the parties are kept open.

If application/proceedings are filed by the Investigating Officer/petitioner, the learned Magistrate shall decide the same on its own merits, in accordance with law and shall not be influenced by the earlier order.

All the parties to act upon the authenticate copy of this order.

JUDGE