

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

CRIMINAL APPEAL NO. 209 OF 2016

(M/s. Vibrant Infotech Limited...VS...The Corporation of the City of Nagpur and Another)

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

Court's or Judge's orders

Shri Avinash Gharote, Advocate for Appellant.
Shri A. M. Quazi, Advocate for Respondent Nos.1 and 2.

CORAM : S.C.GUPTE, J.
DATED : 23rd AUGUST, 2017.

The companion criminal appeal, namely, Criminal Appeal No.209 of 2016, challenges an order passed on an application filed before 5th Joint Civil Judge Senior Division, Nagpur in the Special Civil Suit for an order under Section 340 of the Code of Criminal Procedure read with Sections 191 and 193 of the Indian Penal Code. By the impugned order, the learned Judge rejected that application, reserving, however, liberty to the petitioner (original plaintiff) to take proper recourse and apply before a proper Forum for the same relief later. The application is rejected on the footing that the evidence of the witness is yet to be completed, the cross-examination being in progress and that unless the evidence was completed and matter was proceeded further, no conclusion could be drawn regarding making of contradictory statement/s. The Court has expressed the view that the Court will have to consider, in this behalf, the relevant documents and evidence. There is no infirmity in the impugned order. The impugned order does not rule out any order under Sections 191 and 193 of the Indian Penal Code. It leaves liberty to the plaintiff to seek recourse at proper

stage and apply before proper Forum for such relief.

The Criminal Appeal is disposed of by reiterating this clarification.

JUDGE

PBP