

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

CRIMINAL APPLICATION (APL) NO.737 OF 2015

Anjali d/o Lakhapatiprashad Mishra, Nagpur, and anr.

Vs.

Seema Devprakash @ Deepak Mishra, Gondia

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

Court's or Judge's Order

Shri R. R. Vyas, Advocate for applicants.

CORAM: P. N. DESHMUKH, J.

DATED: April 06, 2017.

Heard the learned counsel for the applicants. None for the non-applicants though appears to be served.

Learned counsel for the applicants has rightly invited my attention to the provisions of Sections 200 and 202 of the Criminal Procedure Code so as to infer that since accused persons are not residing at the place where the complaint is registered, inquiry under Section 202 of the Criminal Procedure Code was necessary.

Perusal of complaint Exhibit-1 filed in the application would reveal that complainant-non-applicant Seema is resident of Dongargaon, Dist. Gondia while applicants are residents of Nagpur. The subject matter of complaint appears to be of a matrimonial discord.

Having considering the fact that applicants are not residents of Gondia, it was expected on the part of the learned Magistrate before issuing process against the applicants to call for report under Section 202 of Criminal Procedure Code as to whether the applicants are not residing within the jurisdiction where the complaint is initiated.

In view of facts in the application as aforesaid, impugned order dated 12/03/2015 passed below Exhibit-1 in Regular Criminal Complaint No.223/2014 is not sustainable. The same is therefore quashed and set aside.

The concerned Learned Judicial Magistrate, Gondia before whom the said complaint case is pending shall consider the matter afresh in accordance with law.

Criminal application is disposed of in above terms.

JUDGE