

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

CRIMINAL APPLICATION (APL) NO. 686 OF 2016

(Mr. Ninad s/o Pradeep Mhatre vs. State of Maharashtra thr. PSO, PS Hudkeswar, Nagpur & Anr.)

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 &
V.M. DESHPANDE, JJ.
APRIL 06, 2017.**

Heard Shri Parag Bezalwar, learned counsel for the applicant and Shri M.J. Khan, learned APP for non-applicant No. 1.

2. Whether tenant was/ is in arrears of rent, whether tenant had vacated the premises and thereafter mother of the applicant had put on lock or whether that lock has been broken open by the tenant and he re-entered the premises, are all disputed questions.

3. Admittedly, the tenancy has not been put to an end and there is no legal notice issued, demanding the arrears. Thus, we cannot, at this stage, accept the defence and exercise jurisdiction under Section 482 of Criminal Procedure Code.

4. Therefore, keeping all rival contentions open and with liberty to the applicant to raise the same in appropriate manner before the lower Court, we dispose of the present Criminal Application. No order as to costs.

JUDGE

JUDGE