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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.171 OF 2017

Salman Hayyul Momin

..Petitioner.

V/s.

Ashok Panditrao Atigre & Ors.

..Respondents.

Mr.Abhijit M.Adagule for the petitioner.

Mr.S.S.Pednekar, APP for the respondent-State.

CORAM: NITIN W.SAMBRE, J.

DATE : MARCH 14, 2018

PC:-

Respondent No.1-accused in a complaint case No.206/2010 was acquitted for offences punishable under sections 324, 504 and 506 of the Indian Penal Code pursuant to the provisions of section 245 (2) of the Code of Criminal Procedure. The learned Magistrate observed that the petitioner-complainant remained absent consistently for a period of four years.

2. Criminal Revision No.190/2014 preferred against the said order came to be dismissed on November 16, 2016. As such

this petition.

3. The learned counsel for the petitioner submits that in police report under section 202 of Code of Criminal Procedure as some substance was noticed, the accused were tried for the said offences. He submits that the lawyer who appeared for the petitioner in the trial Court was not diligent in pursuing the matter. He submits that if put to serious conditions, the petitioner will comply and appear before the Magistrate provided the impugned order is set aside.

4. From the record, it depicts that the present petitioner initiated the complaint in the year 2010 for offences punishable under sections 324, 323, 504 and 506 of the Indian Penal Code.

5. Consistently for a period of four years, for no good reason the petitioner remained absent before the Magistrate which warranted him to pass the order of acquittal.

6. In revision, the petitioner had tried to blame his advocate. He neither gave the name of the advocate nor any notice was issued to him. In the wake of above, there is hardly any

material to examine the said ground with the present material.

7. In that view of the matter, in my opinion, in the extraordinary jurisdiction, the petition does not warrant any consideration. The petition is accordingly dismissed.

(NITIN W.SAMBRE, J.)