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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.340 OF 2015

Sadanand Shivanna Shetty ..Applicant.

V/s.

The State of Maharashtra & Ors. ..Respondents.

Mr.Niranjan S.Mundargi for the applicant.

Mrs.S.S. Kandile, APP for the respondent-State.

Mr. Mihir D.Gheewala with Mr. Santosh Pawar for respondent Nos.2 & 3.

CORAM: NITIN W.SAMBRE, J.

DATE : FEBRUARY 28, 2018

PC.:-

Heard the respective sides.

2. I have perused the charge-sheet filed under section 173 of the Criminal Procedure Code, 1973 dated March 21, 2011 and copy of the complaint presented by the applicant along with the order of the learned Sessions Judge, Greater Mumbai setting aside the order of issuance of process.

2. It is noticed that the necessary ingredients under section 323 and 341 read with 34 of the Indian Penal Code are not satisfied. On page 37 para 12 of the complaint, there is a reference to the alleged offence, however, no specific allegations against accused Nos.1 and 13 could be noticed specifying their active role crime in question.

3. Apart from the above, the complaint for an offence under section 323 is accepted in the backdrop of the incident in question for which it is claimed that the complainant has given intimation to the police.

4. Once it is noticed that the necessary ingredients of sections 323 and 341 of the Indian Penal Code are not satisfied, in my opinion, consequences would follow. There is no jurisdictional error in the impugned order. The revision application is dismissed.

(NITIN W.SAMBRE, J.)