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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3560 OF 2017

Bharat William John	..Petitioner.
V/s.	
State of Maharashtra & Ors.	..Respondents.

Mr.Madhusudan D. Parekh for the petitioner.

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

CORAM: NITIN W.SAMBRE, J.

DATE : MARCH 8, 2018

PC.:-

Heard respective parties.

2. The petitioner-complainant moved the Judicial Magistrate First Class, Pune vide M.A.No.411/2016 against the respondent alleging offences punishable under sections 109, 406, 499 and 500 of the Indian Penal Code.

3. The verification of the petitioner-complainant was recorded and two other witnesses were produced by the petitioner

before the learned Magistrate.

4. The learned Magistrate dismissed the complaint under section 203 of the Code of Criminal Procedure vide order dated February 7, 2016 which was confirmed in Criminal Revision No.108/2017 vide order dated June 9, 2017 by the learned Additional Sessions Judge, Pune. As such this petition.

5. The learned counsel for the petitioner while questioning the order and seeking indulgence under the extraordinary jurisdiction would urge that both the orders lack basic consideration as regards the ingredients of the offences punishable under sections 499 and 500 of the Indian Penal Code. So as to substantiate his contention, he would invite the attention of this Court to the contents in the complaint, particularly paragraphs 4 and 7, statement of his verification and statements of witnesses. He submits that there was a case made out for issuance of process and as such the impugned orders be quashed and set aside and the petition be allowed.

6. Perusal of the complaint would depict that the petitioner claimed to be rendering social service and was given

some post like that of a cashier. It is claimed by him that in the Executive Committee held on June 19, 2016, it was decided to honour him with some higher post. It is claimed that the said resolution was not given effect to by taking it to its logical end and rather, the petitioner was insulted in the meeting of the Executive Committee dated October 16, 2016.

7. If the verification and contents in the complaint are appreciated, it is the case of the petitioner that the incident took place in the Executive Committee meeting. There are no averments that the witnesses produced by the petitioner were the office bearers of the Executive Committee which permits their personal attendance.

8. In the backdrop of above, upon perusal of the complaint and verification, inference drawn by the learned Magistrate and confirmed in the revision that the complaint was liable to be dismissed under section 203 of the Code of Criminal Procedure does not warrant any interference.

9. Apart from above, it is required to be observed that no ingredients of sections 406 and 109 of the Indian Penal Code are

satisfied, particularly upon the reading of other materials brought on record.

10. One more aspect which justifies the dismissal of the complaint is the vague allegations by the petitioner in paragraph 7 of the complaint.

11. In the aforesaid backdrop, no interference in the extraordinary jurisdiction is warranted. The petition, as such stands dismissed.

(NITIN W.SAMBRE, J.)