

Vidya Amin.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1142 OF 2017

Mrs. Neelam Hiralal Kukreja & Anr. ... Applicants

VS.

The State of Maharashtra & Ors. ... Respondents

Mr. Mobin Solkar I/b. Mr. Yusuf Shabbir Mithi, Advocate for the applicants.

Mr. Rajesh S. Datar, Advocate for respondent no. 4.

Mr. A.R. Patil, APP for the respondent/State.

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: 4th December, 2018

P.C. :

This Application is directed against the order dated 20th April, 2017 passed by the Special Executive Magistrate/ACP Ulhasnagar dated 20th April, 2017 under section 145 (1) of Cr. P.C in Court Case No. 1 of 2016.

2. The learned counsel for the applicants submitted that the applicants were in possession of the premises in dispute. The Special Executive Magistrate, without giving any reasons which is required under section 145(1) passed the order of sealing the said flat and has prohibited the petitioners and respondent nos. 3 to 6 from entering the said premises. He further submitted that Civil

Suit No. 54 of 2012 is pending between the parties.

3. The learned counsel for respondents while opposing the Application has pointed out that Civil Suit is pending between the parties.

4. Heard the submissions and considered the impugned order. It is true that no grounds are mentioned as contemplated under section 145(1) of Cr.P.C. Hence, the matter is remanded to Special Executive Magistrate/ACP Ulhasnagar with the following order:

- (i) The Special Executive Magistrate is directed to hear the matter afresh and reasoned order to be passed as contemplated under section 145(1) of Cr. P.C.;
- (ii) Parties to appear before the Special Executive Magistrate on or before 7th December, 2018 at 11 a.m.
- (iii) The Special Executive Magistrate to decide the matter preferably on or before 8th January, 2019 after giving audience to both the parties;
- (iv) Till 14th January, 2019, the order of sealing the

premises to continue.

5. Criminal Application is disposed of.

(MRIDULA BHATKAR, J.)