

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

CRIMINAL WRIT PETITION NO.4686 OF 2015

Mukund Mohanlal Goradia

... Petitioner

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.M.G. Shukla for the Petitioner

Ms.Rutuja Ambekar, APP, for the Respondent – State

Ms.Ameeta Kuttikrishnan for Resp. No.2

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: OCTOBER 15, 2018

P.C.:

1. This Writ Petition is directed against the order dated 12.8.2014 passed by the learned Metropolitan Magistrate, 12th Court, Bandra in C.C. No.140/SW/2014 and also against the order dated 1.10.2015 passed in Revision Application No.1378 of 2014 passed by the learned Sessions Court, Mumbai.

2. The applicant has filed a private complaint against respondent No.2 that she had committed theft of a file containing documents pertaining to his property situate at Jogeshwari from the office of Corporation at Bandra (West). The file, as per the

complainant, was lying in the Building Proposals Department of the Municipal Corporation Bandra (West). Respondent No.2 is an activist and she obtained photocopies of the documents from the file and thereafter, the said file alongwith the documents is missing and, therefore, he filed a private complaint before the learned Magistrate alleging that the accused i.e., respondent No.2, has committed theft of this document and seeking directions for investigation under section 156(3) of the Code of Criminal Procedure to Bandra Police Station.

3. The learned Metropolitan Magistrate by order dated 12.8.2014 observed that no prima facie case is made out to send the matter for investigation under section 156(3) of the Code of Criminal Procedure and, therefore, the complainant was directed to proceed with the matter by filing verification as per the law. The applicant being aggrieved by the same, filed revision before the Sessions Court i.e., 1378 of 2014. The learned Sessions Judge by a detailed order, after considering the letters, correspondence and say of both the sides, has upheld the order passed by the trial Court and gave finding that the application is devoid of merits and rejected the same.

4. The learned Counsel for the applicant pointed out the correspondence between the officer of the Corporation and the Complainant and the respondent, where there is a reference to the photocopy of the concerned document.

5. I have heard the submissions made by the learned Counsel for the applicant and the learned Counsel for respondent No.2 and the State. After perusing the documents and the orders, I am of the view that there is no illegality in the orders of the learned Metropolitan Magistrate and also the learned Sessions Judge. Hence, the Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)