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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
APPEAL NO.232 OF 2017

Deven Surinder Verma ...Appellant
vs.
Rajesh Gopalkrishna Uchil & Anr. ...Respondents

Mr.Chirag Balsara with Mr.Mayur Shetty with
Mr.Diksha Mehra I/b Rajani Associates for the
appellant
Mr.M.S.Bharadwaj for the respondent-UOI.

CORAM : A.S.OKA, &
M.S.SONAK,JJ.
DATE : SEPTEMBER 18, 2018

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Date: 2018.09.26
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P.C.:

1 It is not in dispute that in terms of the impugned order dated 7th April 2017, a complaint has been lodged before the competent Court of Judicial Magistrate.

2 The learned counsel for the appellant on instructions seeks permission to withdraw the appeal. However, he expresses an apprehension that the observations/findings in the impugned order will affect the defence of the appellant in the pending complaint.

3 Apart from the fact that the findings recorded in the impugned order are only prima facie findings, in clause(c) of the operative part of the impugned order, the learned Company Judge has made it very

clear that the concerned Court before which the complaint will be filed will proceed with the complaint on its own merits without being influenced by the observations made in the impugned order. Moreover, the only effect of the impugned order is that a complaint will be filed. The reasons recorded in the impugned order are in support of the said order. Therefore, notwithstanding the observations made in the impugned order, all permissible defences of the appellant which are available to him in the criminal complaint remain open.

4 Subject to what is observed above, appeal is disposed of as withdrawn.

(M.S.SONAK,J.)

(A.S.OKA,J.)