

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPLICATION (APPW) NO.296 OF 2017
IN
CRIMINAL WRIT PETITION NO.204 OF 2017.

Dayaram Ramji Mungmode

..VS..

The State of Mah.thr.Commissioner of Police, Nagpur and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.P.A.Abhyankar, Adv. for the applicant/
appellant.

Mr.A.M.Deshpande, APP for resp.1 to 5.
Respondent no.6 in-person.

**CORAM : R.K.DESHPANDE AND
M.G.GIRATKAR, JJ.**

DATE : APRIL 13, 2018.

This application is for restoration of the petition. Notice of this application was issued by this Court on 9th January, 2018. All the respondents are served and they are all before this Court present. No reply is filed to the application. Hence, after going through the averments made in the application, which remain uncontroverted, we are satisfied that sufficient cause is made out for restoration. Hence, application is allowed. Writ petition is restored.

After restoration of the matter the learned counsel for the petitioner as well as respondent no.6 in-person and the learned Additional Public Prosecutor were asked as to whether they are prepared to argue the matter on merits on admission. All

of them expressed that they are ready to argue the matter. Therefore, we proceeded to hear the learned counsel for the petitioner. We understood the controversy involved in the matter and thereafter called upon respondent no.6 appearing in-person to argue the matter. At the beginning, he made reference to CAO No.115 of 2014 which, according to him, was settled in the month of March, 2015. He, therefore, submits that what the learned counsel for the petitioner has said that nothing was pending on the date of registration of F.I.R. against the petitioner is not correct. We, therefore, asked him to produce the evidence in the form of civil application and the order passed thereon. He expressed that he is not having the same with him at this stage and he would like to file it on record. We therefore asked him as to whether he wants adjournment to place the relevant papers on record. He expressed that this Court should hear him first and then grant time to produce the document. This is not possible. This is nothing but waste of time of Court. Respondent no.6 is not prepared with the matter inspite of that he assured the Court that he is prepared and ready to go ahead.

In the interest of justice we grant respondent no.6 time to file reply and place on record all the documents.

Put up this matter after eight weeks.

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