

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

Criminal Application (APL) No.912 of 2017
(Narhari s/o. Tukaram Ujjainkar .vs. State and another)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : P. N. DESHMUKH &
 M. G. GIRATKAR, JJ.

DATE : 5.7.2018.

Heard Mr.D.P.Jaiswal, learned Counsel for the applicant and Mr.A.D.Sonak, learned Additional Public Prosecutor for respondent no.1/State.

Mr.A.D.Sonak, learned Additional Public Prosecutor waives service on behalf of respondent no.1.

This application is filed under Section 482 of the Code of Criminal Procedure for quashing of F.I.R. No.47 of 2015, dt.16.5.2015 registered for the offences punishable under Sections 420, 468, 471, 409, 166 and 167 of the Indian Penal Code. Admittedly, earlier, an application was filed by applicant being Criminal Application no.618 of 2016 before this Court for similar relief of quashing of same F.I.R. numbered as aforesaid. That application was finally disposed of by this Court vide order dt.17.4.2017 with a direction to State to file charge sheet in this crime within three months. Copy of order is forming part of application as Annexure-4.

Learned Counsel for the applicant, during the

course of hearing, has also tendered at bar copy of earlier application No.618 of 2016. Prayer therein is for quashing of F.I.R. No.47 of 2015.

In view of order dt.17.4.2017 of this Court, it is, therefore, found that the issue of quashing of F.I.R. has already been considered by this Court and the application is disposed of with a direction to respondent/State to file charge sheet within a period of three months. In that view of the matter we do not find present application to be tenable, now filed for similar relief.

Mr.A.D.Sonak, learned Additional Public Prosecutor, on instructions, submits that investigation in present crime is in progress and may require further period of two months to file charge sheet.

In the circumstances, as stated above, the application is liable to be dismissed. Prosecution is granted further time of two months to file charge sheet before the Competent Court. The application is disposed of with no orders as to costs.

JUDGE

JUDGE

**jaiswal*