

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2214 OF 2004

- | | | | |
|----|-------------------------------------|---|-------------------|
| 1. | Shirish Raghunathrao Kandi |] | |
| | Age- 38, Occ- Business, |] | |
| | R/o. Nidhi Plot No. 73, Gandhinagar |] | |
| | Bunsilalnagar, Near Fire Brigade, |] | |
| | Aurangabad. |] | |
| | |] | |
| 2. | Sou. Aachala Deepak Kandi, |] | |
| | Age- 40, Occ- Business, |] | |
| | R/o. Nidhi Plot No. 73, Gandhinagar |] | |
| | Bunsilalnagar, Near Fire Brigade, |] | |
| | Aurangabad. |] | |
| | |] | |
| 3. | Prashant Balaji Aacham |] | |
| | Age- 36, Occ- Business, |] | |
| | Through, Kem Tape Agencies |] | |
| | Shop No. 2, Patang Plaza, S.No. 29, |] | |
| | Chaitnyanagar, Dhanakwadi, |] | |
| | Pune Satara Road, Pune. |] | Petitioners |

VERSUS

- | | | | |
|----|------------------------------------|---|-------------------|
| 1. | Rainbow Distributors, |] | |
| | A Partnership firm, through its |] | |
| | Partner Mr. Arvind Satyanarayan |] | |
| | Age- 35, Occ:- Business, |] | |
| | Residing at 78, North Shivajinagar |] | |
| | Sangli. |] | |
| | |] | |
| 2. | State of Maharashtra |] | Respondents |

Mr. Uday Warunjkar a/w. Mr. Onkar Mane for petitioner.
 Ms. Akansha Heleskar i/b. Mr. A.K. Kulkarni a/w. Mr. A.M. Kulkarni for Respondent No. 1.
 Mrs. Rutuja Ambekar, APP for Respondent/State.

CORAM : S. S. SHINDE J.
RESERVED ON: 28th June 2019.
PRONOUNCED ON: 4th July 2019.

JUDGMENT

1. This petition is filed challenging the order of issuing process by the Learned CJM, Sangli on 17.12.2003 below Exhibit-16 in Criminal Case No. 900 of 2003.

2. It appears that this Court (Coram:- A.M. Khanwilkar, J.) on 5.11.2004 was pleased to grant ad-interim relief in terms of prayer clause (b) till the matter is taken up for admission in the week commencing from 22.11.2004. It further appears that on 17.12.2004 notices were issued for final disposal which were made returnable within six weeks. Thereafter, the matter was listed time to time and ad-interim relief granted earlier was continued till 30th August 2005. Thereafter, there is no order of continuation of ad-interim relief. It appears that on 14th August 2006, learned counsel appearing for the petitioner & Respondent No. 1 informed the Court that settlement talks are going on and accordingly the matter was adjourned. Thereafter, the matter was listed for final disposal. When the matter was listed on 11th June 2019 since none appeared for petitioner the matter was adjourned on 12th June 2019. On 12th June 2019 there was joint request for adjournment and accordingly matter was adjourned to 28th June 2019.

3. When the matter was called on 28th June 2019, learned counsel appearing for contesting respondent tendered across the bar the status report of criminal case no. 900 of 2003 (Rainbow Distributors Vs. Namokar Films Pvt. Ltd. & Ors.), same is taken on record. Learned counsel appearing for Respondent No. 1 relying upon the said report submits that the said case has been disposed of by the Court of learned CJM, Sangli on 14th August 2015.

4. Upon careful perusal of the copy of the status report submitted by learned counsel appearing for Respondent it discloses that the aforesaid case has been disposed of on 14th August 2015. In the column of nature of disposal it is mentioned as Uncontested-Disposed of otherwise.

5. In case the statement made by the learned counsel for the Respondent that main case i.e. Summary Criminal Case No. 300900 of 2003 is disposed of is found incorrect, liberty to apply for recall of the order is granted.

6. As already observed after 30th August 2005 there is no continuation of ad-interim relief and the learned CJM, Sangli proceeded to decide the aforesaid case. Since the main case itself decided by the Court of CJM, Sangli, nothing survives for consideration in the present writ petition. Hence, in the light of above, writ petition stands disposed of.

[S.S. SHINDE, J.]