

CRIMINAL APPLICATION NO.715 OF 2016

Mr.Saurabh D. Butala for the Applicant.
Mrs.S.D.Shinde APP for the Respondents.

DATE : 7TH NOVEMBER, 2019.

4] Respondent No.2 - complainant has on 17th June, 2016 made a grievance that an employee by name Nilesh Gundala working with him for delivery purpose was kidnapped by somebody at about 7.30 in the evening on that day. The report and accompanying statement shows that Nilesh informed the complainant that he received a call from the customer on his mobile phone for delivery of teleshop

product at Virar station (East). Nilesh was called at Ganesh Temple, Virar East. There he was asked to sit in Innova Vehicle bearing registration No.1690 and taken to Mira Road.

5] The applicant has approached this Court with case that earlier he had filed police complaint on 16/06/2016 and he produced Nilesh Gundala at Nayanagar police station at 7.30 pm pointing out that Nilesh was person who perhaps was misappropriating the booked material.

6] These facts have not been disputed by filing any written statement or reply either by Respondent No.1 or by Respondent No.2.

7] Thus, the applicant who had on 14/04/2016 filed complaint that his customers were being duped by person allegedly kidnapped, namely, Nilesh Gundala who was brought to police station. It is, therefore, apparent that ingredients of section 363 IPC are not made out in the matter. There is no dishonest intention or any criminal act. We, therefore, make Rule absolute in terms of prayer clause (b).

8] The petition is, accordingly, allowed and disposed of.

(S.S. JADHAV, J.)

(B. P. DHARMADHIKARI, J.)