

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO. 1216 OF 2018

Sachin Bansilal Tarange ...Applicant

Versus

The State of Maharashtra ...Respondent

Veerdhawal Kakade – Advocate for the applicant.

Rutuja Ambekar – APP for the Respondent – State.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 16th OCTOBER 2019.

P.C. :

The applicant is the original complainant. So acting on his complaint, Indapur P. S. registered FIR No. 468 of 2017. The Indapur police has investigated the crime against 3 accused. Eventually, they filed the B Summary report holding that no case is made out. The learned JMFC of Indapur accepted the B summary report and closed the case. But the learned JMFC has not issued notice to the applicant-original complainant before his accepting the police version. So the complainant has filed this Criminal Application.

2. In the meanwhile, even the police have issued Exh. E show cause notice as to why the applicant should not be prosecuted by lodging a false complaint.

3. Heard Veerdhawal Kakade, the learned counsel for the applicant, and Ms. Rutuja Ambekar, the learned APP for the respondent-State.

4. After police filed B Summary report, the learned JMFC did not put the complainant on notice, though it is mandatory. To that extent, the complainant has been denied a fair opportunity.

5. I, therefore, set aside the impugned order dated 2nd July, 2018, filed at Exh. E. As a consequence the Exh. E show cause notice dated 22.06.2018, issued by the police is also set aside. As a result, the learned JMFC, Indapur, will issue notice to the applicant on the B summary report the police filed and then proceed further.

Accordingly, the Criminal Application stands disposed of.

[DAMA SESHADRI NAIDU, J.]