

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

**CRIMINAL APPLICATION (APL) NO. 376 OF 2019.**

(Shri Himmatrao Daulatrao Kale, Amravati Vs. State of Maharashtra, thr.PSO, Asegaon  
Purna PS, Tah.Achalpur, District Amravati & Anr.)

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

Court's or Judge's orders.

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Shri A.P.Deshpande, Advocate for applicant.  
Shri C.A.Lokhande, APP for respondent No.1/State.

**CORAM : P.N. DESHMUKH &  
PUSHPA V. GANEDIWALA, JJ.  
AUGUST 28, 2019.**

Record reveals that this Court on 10/04/2019 had issued notice only to respondent No.1/State. Affidavit-in-reply of State is on record.

It appears that no notice was issued to complainant, as this Court by its order dated 10/04/2019 wanted to know if chargesheet is filed or not against the applicant and if no chargesheet is filed, reason for not filing the same.

Perusal of affidavit-in-reply of respondent No.1/State would however reveals that on carrying investigation, no sufficient evidence/material could be collected to prosecute the applicant for the alleged offence and therefore, prosecution has filed summary proceedings before the Competent Court.

In view of affidavit-in-reply as aforesaid, we find no reason to keep this application pending

and since no notice is issued to respondent No.2 as stated aforesaid, we allow the application in terms of prayer clause (1) of the same, reserving liberty in favour of respondent No.2 to contest the summary proceedings if found necessary before the Competent Court.

**JUDGE**

**JUDGE**

Sumit