

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

CRIMINAL APPLICATION (APL) NO.1188/2019

Vinayak s/o Nanuji Paunekar .vs. Tekchand s/o Bala Barre and Ors.

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

Court's or Judge's orders.

Mr. C. F. Bhagwani, Advocate for applicant.
Mr. J. Y. Ghurde, A.P.P. for non applicant-State.

CORAM : V. M. DESHPANDE, J.
DATED : DECEMBER 09, 2019

Heard Mr. Bhagwani, learned counsel for applicant.

Learned Judicial Magistrate First Class, Mohadi on 18.03.2017, disposed of the private complaint filed by applicant. The said order was challenged by applicant in Criminal Revision No.24/2017. The learned Additional Sessions Judge, Bhandara on 31.08.2019, dismissed the revision. Admittedly, prior to filing of the private complaint, applicant filed an application under Section 156 (3) of the Code of Criminal Procedure against non applicant herein. Learned Magistrate, Mohadi directed police to register crime against non applicants and accordingly Crime No.M-004/2015 was registered with Police Station, Mohadi. After thorough investigation, Police Station Officer, Mohadi filed B-Summary report in the said crime. Admittedly, the applicant did not challenge the said B-summary report.

Without challenging the said B-Summary report, the applicant filed a private complaint. It is to be noted here that a civil dispute is already filed and is pending between the parties and said dispute is presently in Second Appeal No.417/2016.

The learned revisional Court, therefore, in my view, correctly recorded a finding that the applicant is trying to paint a different picture and trying to convert a civil dispute in criminal one, which is impermissible in law.

In that view of the matter, the application is rejected.

JUDGE