

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO. 6460 OF 2017

Md. Samdani s/o Md. Rabbani Banikar

..Applicant

Versus

The State of Maharashtra
through the Police Station,
Udgir (Rural), Taluka Udgir,
District Latur and ors.

..Respondents

Mr M.B.W. Khan, Advocate for applicant

Mr S.G. Sangle, A.P.P. for respondents no.1 and 2

**CORAM : T.V. NALAWADE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 3rd November 2020

PER COURT :

1. The Counsel for applicant is not present online. He is not present in the Court hall.

2. Seen the order made by this Court on 14.10.2020. On that day also, Counsel for applicant was not present. The matter was filed on 20.11.2017. On 21.2.2018, interim relief was granted in favour of the applicant that no coercive action should be taken against the applicant. After that, matter was listed before the Court on 12.4.2018 only. No interest was shown to prosecute the matter, as interim relief was to continue. Due to pendency of such matters in which interim relief was there, but interest was not shown to prosecute the matter, this Court had specifically directed the office to see that all such matters should be listed before the Court. The present matter was listed on 14.10.2020 and on that day, Mr Khan did not turn up. To give him one more opportunity, the matter was adjourned and it was kept today. Today also, Mr Khan is absent. When there is interim relief, the party does not show interest to prosecute the matter due to which everything before the Investigating Officer and also the Court stands stalled. Such tactics cannot be allowed to be played, as it amounts to misuse of

the process of law. This Court holds that no jurisdiction can be exercised under Section 482 of Cr.P.C.

3. In view of aforesaid circumstances, Criminal Application stands dismissed.

(SHRIKANT D. KULKARNI, J.)

(T.V. NALAWADE, J.)

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