

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.3311 OF 2018

Dil Mohammad Sadam Ansari ... **Petitioner**

Versus

The State of Maharashtra & Anr. ... **Respondents**

.....

Mr.Acharya Manthira M.A., Advocate for the Petitioner.

Mr.R.M.Pethe, the Additional Public Prosecutor for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 24th JANUARY 2020.

P.C. :

1 Order dated 24/10/2017 passed by the learned Additional Chief Metropolitan Magistrate, Mumbai below Exhibit 1 in the complaint filed by the petitioner is impugned in this petition. By filing the complaint, the petitioner herein alleged offences punishable under Sections 406 and 420 of the Indian Penal Code against the respondent/original accused. It was prayed that police be directed to investigate in the matter by registering the FIR. The learned trial Magistrate has chosen to direct the complainant i.e. present petitioner to appear for

recording verification statement. Feeling aggrieved by the said Order, the petitioner/original complainant preferred Revision Petition which was dismissed by holding that the Order passed by the learned Additional Chief Metropolitan Magistrate is an interlocutory Order. That is how now the petitioner/original complainant has approached this Court for challenging the Order passed by the learned Additional Chief Metropolitan Magistrate on 24/10/2017 directing the petitioner/original complainant to appear for verification.

2 Heard the learned Counsel for the petitioner/ original complainant. By making submissions on merits of the matter, he also drew my attention to the Order passed on 14th June 2013 by the Division Bench of this Court in Notice of Motion (L) No.1159 of 2013 and contended that it was necessary to have an investigation to ascertain and recover the amount of consideration of Rs.3.5 Crores. It is submitted that in the said matter before the Division Bench of this Court, the accused is defendant No.7. With this, it is submitted that the impugned Order is incorrect.

3 I have considered the submissions so advanced and also perused the impugned Order dated 24/10/2017 passed by the learned Additional Chief Metropolitan Magistrate, Mumbai.

4 It is the reasoned Order and considering the nature of allegations, the learned trial Court came to be conclusion that it

would be proper to have verification statement of the complainant to decide the further course of action to be taken in the matter. The trial Magistrate has rightly rejected the prayer for police investigation and directed recording of verification statement. No infirmity can be found in the impugned Order.

5 The petition, as such, fails and the same is dismissed.

(A.M.BADAR, J.)

Raju D.
Gaikwad

Digitally signed
by Raju D.
Gaikwad
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