

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

CRIMINAL APPEAL (APEAL) NO. 433 OF 2018
(Narendra s/o Amarnathji Kalda Vs. Balbirsingh s/o Motisingh Chawhan)

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

Court's or Judge's orders.

Shri R.M. Bhangde, Advocate for the appellant.
Shri V.M. Gadkari, Advocate for the respondent.

CORAM : PUSHPA V. GANEDIWALA, J.
FEBRUARY 27, 2020.

Heard.

Learned counsel on behalf of both the sides jointly propose that the matter is required to be remanded back for fresh consideration before the Appellate Court as the Appellate Court, while deciding the appeal, only decided the question with regard to maintainability of the complaint and did not decide the other aspects. I am convinced with this proposal.

In this view of the matter, the appeal is partly allowed. The impugned judgment dated 09/05/2017 passed by the learned Additional Sessions Judge, Chandrapur in Criminal Appeal No. 35/2011, is quashed and set-aside.

The matter is remanded back for fresh consideration of the learned Appellate Court considering the judgment of the Reference Court dated 07/02/2020 with regard to maintainability of

the complaint.

The parties to appear before the learned Appellate/Sessions Court on 28/02/2020. The respondent/accused in-person present before this Court and undertakes to appear before the learned Appellate/Sessions Court on the said date.

The learned Appellate Court to decide the appeal within a period of six months.

The Criminal Appeal is disposed of accordingly.

The copy of this order duly authenticated by the Sheristedar of this Court be supplied to the learned counsel for the parties.

JUDGE