

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 557 OF 2020

Laxman Ganpat Tamgadge

vs.

The State of Maharashtra and others

Office Notes, Office Memorandum of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Rupesh Agrawal with Mr. S. V. Sirpurkar, Advocate
for applicant.

Mr. S. D. Sirpurkar, APP for respondent No.1

Mr. A. A. Dhawas, Advocate for respondent No.2 and 3.

CORAM : MANISH PITALE J.

DATED : 29/07/2021

Hearing was conducted through Video Conferencing and the learned counsel agreed that the audio and visual quality was proper.

2. By this application, the applicant (original informant/complainant) is aggrieved by order dated 02/03/2020 passed by the Special Court (i.e. Additional Sessions Judge, Warora), whereby B Summary report was accepted.

3. Mr. Rupesh Agrawal, learned Advocate for applicant invited attention to the impugned order and submitted that there is absolutely no reason forthcoming with respect to why the said Court accepted the B Summary report. It was submitted that on this ground

itself the impugned order deserves to be set aside. The learned counsel also made submissions on the merits of the matter.

4. On the other hand, Mr.Dhawas, learned counsel appearing for respondent No.2, states that he has instructions to appear on behalf of respondent No.3 also. He submitted that he could not dispute the fact that the impugned order did not show any reason as to why the B Summary report was accepted.

5. Mr.S.D.Sirpurkar, learned APP has appeared for on behalf of respondent No.1.

6. This Court is of the opinion that instead of going into the merits of the matter, the impugned order deserves to be set aside only on the short ground that there is absolutely no reasoning given by the aforesaid Court, while accepting the B Summary report. It is surprising that B Summary report has been accepted only in one sentence by the aforesaid Court. The said Court was expected to apply its mind, consider the contentions raised by the applicant herein and then to pass an appropriate reasoned order in the matter.

7. Therefore, on this very ground the the impugned order deserves to be quashed and set aside. Accordingly, the impugned order is quashed and set aside.

8. The matter is remanded back to the said Court for consideration of the B Summary report, after giving proper opportunity to the applicant to make submissions in that regard and then to pass a reasoned order, either by accepting B Summary report or accepting the contentions of the applicant.

9. Needless to say the said Court shall hear all necessary parties before passing an appropriate order in the matter

10. The application stands disposed of in above terms.

JUDGE