

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

CRIMINAL WRIT PETITION NO. 779 OF 2018

Ms.Jyoti d/o Laxman Kondagurle and anr. -Vs. State of Maharashtra and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. S.V.Bhutada, counsel for the petitioners.
Ms.H.N.Jaipurkar, APP for state.
Mr. S.A.Chaudhari counsel for respondent nos.4 to 7.

**CORAM : SUNIL B.SHUKRE &
AVINASH G. GHAROTE, JJ.**

DATE : 11.01.2021.

1. Heard learned counsel for the petitioners, learned APP and learned counsel appearing for respondent nos.4 to 7. Perused the reply filed on behalf of respondent nos.3 to 7. Para no.6 of the reply, being relevant, is reproduced as under.

6. That the contents of para No.6 of the petition are admitted as per record. However, this notice was issued under Section 160 Cr.P.C inadvertently. The petitioners were summoned to appear on 30.07.2018 but as said date has expired the matter has become infructuous.

2. So, two things emerge, one is inadvertent issuance of notice under Section 160 of Cr.P.C. and second is the impugned notice having become infructuous in any case. With these admissions placed on record, now the prayer clause-A would not survive and in our view, this would suffice the main purpose of

this petition. However, if the petitioners still feel aggrieved, the petitioners would be at liberty to knock at the doors of the appropriate forum in the matter, in the light of judgment delivered by this Court today in Writ Petition No.866 of 2018.

3. In the result, it is found that the impugned notice having become infructuous, shall not be acted upon by the respondent nos.3 to 7 and the other reliefs sought in this petition is covered by the view taken by this Court in the Writ Petition no.866 of 2018.

4. With these observations, the petition stands dismissed.

JUDGE

JUDGE