

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

CRIMINAL APPLICATION (APL) NO. 891 OF 2016

Jayprakash Nathmal Bhattad,
Aged about 50 years, Occupation-Business,
R/o Vidyanagari, Amgaon, Gondia.

.... **APPLICANT**

VERSUS

- 1) M/s. Agro Fresh Foods Inc,
Amgaon, through its Partner Ashish
Champalal Bhutada, Maheshwari
Bhawan, Amgaon, Tahsil – Amgaon,
District – Gondia.
- 2) Ashish Champalal Bhutada,
Aged about 39 years,
Partners in M/s. Agro Fresh Foods
Inc, Amgaon Maheshwari Bhavan,
Tahsil Amgaon, District Gondia.
- 3) Vishnu Rajendra Maheshwari,
Aged about 35 years,
Partners in M/s. Agro Fresh Foods
Inc, Amgaon Maheshwari Bhavan,
Tahsil Amgaon, District Gondia.
- 4) Naresh Amritlal Maheshwari,
Aged about 61 years,
Partners in M/s. Agro Fresh Foods
Inc, Amgaon Maheshwari Bhavan,
Tahsil Amgaon, District Gondia.
- 5) Anand Champalal Bhutada,
Aged about 35 years,
Partners in M/s. Agro Fresh Foods
Inc, Amgaon Maheshwari Bhavan,
Tahsil Amgaon, District Gondia.

All resident of Maheshwari Bhavan,
Natraj Marg, Amgaon, District Gondia (MS).

- 6) Vikas Mohanlal Bhnagadia,
(C.A.), Aged about 55 years,
Proprietor of Bhangadiya & Company,
Office – Gaurakshan Market, Gondia,
Residence – Ganesh Nagar, Gondia.

.... NON-APPLICANTS

Mr. Radhe Agrawal, Counsel for the applicant,
Mr. R.M. Pande, Counsel for the non-applicants.

CORAM : ROHIT B. DEO, J.

DATED : 25th JUNE, 2021

ORAL JUDGMENT :

This application is preferred by Mr. Jayprakash Bhattad, who is the complainant in Miscellaneous Criminal Complaint 88/2016 instituted seeking direction to investigate under Section 156(3) of the Criminal Procedure Code (“Code” for short) and registration of offence under Sections 191, 192, 196, 197, 198, 199, 406, 420, 421 and 423 read with Section 406 of the Indian Penal Code (“IPC” for short).

2. The learned Judicial Magistrate First Class, Amgaon, vide order dated 21-7-2016, directed the Police Station Officer, Amgaon to submit report after investigating into the complaint. The non-applicants approached the revisional Court in Criminal Revision Application 26/2016 which allowed the revision and quashed the order dated

21-7-2016 rendered by the learned Magistrate. The revisional Court remitted the matter to the learned Magistrate to decide the complaint afresh, on its own merits and by a reasoned order.

3. This application is preferred by the complainant who is aggrieved by the revisional order which remits the matter to the learned Magistrate for fresh decision by recording reasons.

4. The learned Counsel Mr. Radhe Agrawal for the applicant states that although the learned Sessions Judge remitted the matter to the learned Magistrate, in the interregnum, the police registered first information report and set in motion the investigation. It is further stated that the culmination of investigation has resulted in the police submitting a 'C-Summary' on the premise that offence as alleged is not made out.

5. Mr. Radhe Agrawal would submit that while this application has virtually become infructuous due to subsequent events, the complainant has preferred an application before the trial Magistrate seeking re-investigation. Mr. Radhe Agrawal would submit that the said application is pending since August 2018. The submission is that while disposing of this application, the learned Magistrate may be

directed to decide the said application expeditiously. In all fairness, the learned Counsel Mr. R.M. Pande for the non-applicants has no objection if the application seeking re-investigation is decided early.

6. In view of the subsequent events, this application is disposed of as infructuous.

7. The learned Magistrate who is in seisin Miscellaneous Criminal Complaint 88/2016 is requested to decide the application seeking re-investigation preferred by the applicant-Mr. Jayprakash Bhattad, as expeditiously as possible and in any event, within thirty days from the date of production of this order.

8. The application is disposed of in the afore-stated terms.

JUDGE

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