

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 2074 OF 2022

M/s. Novie Agro Investment Private
Limited Through Kishor Kalidas Shah ...Petitioner
Versus
State Of Maharashtra ...Respondent

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Mr. Gautam Tiwari a/w Tasnim Khattar i/by Probus Legal, Advocate for the Petitioner.

Mr. S.R. Agarkar, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 22nd JUNE, 2022.

PER COURT:

1. The only prayer sought in this petition is that proceeding pending before the Trial Court may be decided expeditiously.
2. The petitioner is the original complainant. The complaint is filed on 18th April, 2016 for offences under Sections 405, 406, 465, 466 and other penal offences. The complainant had sought prayer for investigation under Section 156 (3) of Cr.P.C. vide order dated 8th August, 2016. The learned Magistrate refused to issue directions under Section 156 of Cr.P.C. However, by order dated 12th July, 2017, directions were issued to conduct inquiry under Section 202 of Cr.P.C. The Police conducted the inquiry and submitted a report dated 6th December, 2018, observing that the dispute is of civil nature. The petitioner / complainant has filed protest petition

before the Trial Court which has been pending since last two years.

3. The grievance of the petitioner / complainant is that no further steps were taken and the proceedings are pending for a long time. Learned Magistrate be directed to decide the protest petition and pursue with the complainant by taking appropriate decision.

4. It is noted that the complaint was filed by the petitioner / complainant in 2016. The inquiry report submitted by the Police in 2018 and apparently since then the protest petition is pending. The learned Magistrate is required to take further decision on the report submitted by the Police and the protest petition filed by the petitioner / complainant. Since it is pending last two years, the learned Magistrate has requested to decide the protest petition in the light of report submitted by the Police within a period of four month from today and proceed with the matter in accordance with law. It is clarified that this Court has not expressed any view on merits of the case.

5. Writ Petition No.2074/2022 be disposed of accordingly.

(PRAKASH D. NAIK, J.)