

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1131 OF 2021

Manjeet Singh ... Applicant
V/s.
The State of Maharashtra and others ... Respondents

Mr.Hitesh C. Soni, Ms. Vaishali H. i/by Hitesh Soni & Associates,
for the Applicant.

Mr.K.V. Saste, APP for the State.

CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATE : 13 July 2022.

P.C. :

This petition is pending since January 2022. Notice was issued to Respondent No.2. On 22 June 2022, the following order was passed:-

“The notice issued to the Respondents-Complainant, which the Registry has endorsed is served. None appears for the Complainant.

2. The learned Counsel for the Applicant states that the entire dispute was a commercial one as the FIR is based on the allegation of non supply of two machines, which thereafter have been supplied and perhaps this is the reason, the Complainant is not coming to the Court. The assertion of the Applicant that the machines have been returned.

3. The learned APP seeks time to confirm 4. By way of

indulgence, the Respondent No. 2- Complainant be served again through the concerned Police Station. Respondent No. 2 be informed that if he does not choose to appear in spite of service, the Court will proceed on the basis that he is no longer interested in the subject matter and appropriate orders will be passed. 5. Ad-interim order to continue.”

Thereafter on 6 July 2022, following order was passed:-

*“None appears for Respondent-Complainant. 2. Order dated 22 June 2022 is clear. However, pursuant to the order dated 8 June 2022, the Respondent-State was to submit a report.
3. The learned APP states that the Investigating Officer has not come to the Court to submit the report though he has telephonically confirmed the fact that the machines have been returned.
4. The concerned Investigating Officer will ensure that necessary report is submitted before the next date. 5. Stand over to 13 July 2022.
6. Ad-interim order to continue till next date”*

2. The learned APP, on instructions, states that the police have lodged closure report (‘C’ summary) on 16 May 2022. In light of this position, it is not necessary to keep the writ petition pending as depending upon the further course of action, the parties will have their remedies open.

3. Writ Petition is accordingly disposed of.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)