

THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL APPEAL NO. 289/2022

**Mohammad Firoz Mohammad Yusuf and anr ..Versus...The State of
Maharashtra and anr**

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

Court's or Judge's orders

Mr. R.R.Prajapati, Advocate for appellant.
Mrs. Mayuri Deshmukh, APP for respondent No.1
Mrs. Smita Deshpande, Advocate for Respondent No.2

CORAM : AVINASH G. GHAROTE, J.

DATE : 30/06/2022

1] Heard Mr. Prajapati, learned counsel for the applicant and Mrs. Deshmukh, learned APP for respondent No.1/State assisted by Mrs.Deshpande, learned counsel appointed for Respondent No.2.

2] Mr. Prajapati, learned counsel for the applicant contends that the falsity of the complaint is apparent from the fact that though the incident is alleged to be of 25.01.2022, the complaint in that regard has been made on 01.04.2022 i.e. after nearly more than two months. He therefore submits that the applicant is entitled for protection.

3] Learned APP assisted by Mrs. Deshpande oppose the application contending that the FIR discloses the cognizable offence and the impugned order is correct and

proper.

4] The FIR indicates that the incident is alleged to be of 25.01.2022 at about 11.00 a.m., whereas the FIR has been filed on 1.4.2022 at 23.21 hrs which indicates lapse of a considerable period of time, due to which the complaint itself becomes suspect. That apart, there are civil litigation going on between the complainant and the appellant which are instituted by the complainant viz. R.C.S. No. 131/2012 which came to be dismissed on 27.9.2016, against which an appeal has been preferred by the complainant.

5] By an interim order dated 4.5.2022, ad interim protection has been granted. Considering what has been discussed above, a case for confirmation of ad interim protection is made out. The appeal is therefore allowed in terms of the ad interim protection granted on 4.5.2022.

JUDGE

Rvjalit