

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

CRIMINAL APPLICATION (APL) NO.1041 OF 2021

Nitin s/o Sudhakar Zaparde Vs. The State of Maharashtra and another

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

Court's or Judge's orders.

Shri Anil Mardikar, Senior Advocate a/b Shri R.S. Khemuka, Advocate for applicant.
Shri S.M. Ghodeswar, APP for non-applicant no.1.
Shri T.M. Zaheer, Advocate for non-applicant no.2.

CORAM : V.M. DESHPANDE AND
AMIT BORKAR, JJ.
DATE : 25th MARCH, 2022.

Heard Shri Anil Mardikar, learned Senior Counsel for the applicant, Shri S.M. Ghodeswar, learned Additional Public Prosecutor for non-applicant no.1 and Shri T.M. Zaheer, learned counsel for non-applicant no.2.

2. Shri Anil Mardikar, learned Senior Counsel invited our attention to paragraph 6 of the affidavit filed by Yogesh Sitaram Jadhav, PSI of Police Station Ural, District Akola, which is reproduced as under:

“6. After the investigation, the answering respondent has prepared Marg Summary as no evidence commission of offence has been found in the matter. The copy of Marg Summary Report has been forwarded to Sub District Magistrate, Balapur, Dist. Akola for its approval, the said approval is still awaited. Hence, as the answering respondent has proposed to file Marg summary therefore the instant matter may kindly be disposed of accordingly.”

3. In view of aforesaid, we propose to pass following order:

ORDER

- (i) The present application is disposed of.
- (ii) In case appropriate summary is filed before the learned Jurisdictional Magistrate by the investigation officer, it will be open for the non-applicant no.2, who is complainant, to file the protest petition and before accepting the summary the learned Magistrate is expected to give opportunity of hearing to the parties.

JUDGE

JUDGE

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