

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO.26 OF 2017

Dr. P.P. Rao	]	Applicant
Vs.		
The State of Maharashtra and another	]	Respondents

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Mr. Ishwar Nankani a/w Mr. Jagdish Choudhary and Ms. Prajakta Sawardekar i/b M/s. Nankani & Associates, for Applicant.

Ms. G.P. Mulekar, A.P.P, for Respondent No.1-State.

Mr. Aditya K. Singh i/b Lalla and Lalla, for Respondent No.2.

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CORAM : PRITHVIRAJ K. CHAVAN, J.

DATE : 10th November, 2023.

P.C.

1. On 23rd January, 2017, this Court (Coram: A.M. Badar, J.) has passed the following order;

“1. Heard the learned advocate appearing for the revisional applicant/original accused No.3. A complaint for offence punishable under Section 500 read with Section 419, 34 of the IPC as well as under Sections 66, 66A, 66C and 66D of the Information Technology Act, 2000, came to be filed against the revisional applicant/accused no.3 as well as two other accused persons by respondent no.2. The learned Additional Chief Metropolitan Magistrate after hearing the complainant/respondent No.2 ordered necessary investigation and report by exercising powers under Section 202 of the Code of Criminal Procedure on taking

cognizance of the offence. First report then came to be submitted to the learned Additional Chief Metropolitan Magistrate on 7th April, 2011 stating that on investigation no offence is seen to have been committed but the hard disks are sent to Regional Forensic Laboratory, Kalina. Thereafter, it is seen that the Forensic Laboratory, Kalina, has submitted its report. So far as the hard disks seized from the laptop of the present revisional applicant is concerned, that report is showing that the said hard disks are not in working condition and therefore are not suitable for Cyber Forensic Analysis.

2. It is seen that the learned Additional Chief Metropolitan Magistrate on 18th October, 2011 was pleased to dismiss the complaint by holding that no prima facie case is made out.

3. The respondent no.2/original complainant challenged this order and the learned Additional Sessions Judge, Greater Bombay, by the impugned judgment and order has held that there exists a prima facie case and therefore the impugned order dismissing the complaint is quashed and set aside.

4. Considering the report of the Investigator as well as that of Regional Forensic Laboratory, the following order:

- i) Issue notice to respondent, returnable on 20th February, 2017. Learned APP waives notice for respondent no.1-State.
- ii) Till then, interim relief in terms of Prayer Clauses (c) and (d).
- iii) In addition to court notice, private service is allowed”.

2. Today, the learned Counsel for the applicant and contesting respondent No.2 submit that the applicant and respondent No.2 have settled the dispute. Respondent No.2, therefore, has no objection to quash and set aside the order passed by the Additional Sessions Judge, Greater Bombay in Criminal Revision Application No.75 of 2012 on 6th October, 2016.

3. In view of no objection of respondent No.2, nothing survives in this Criminal Revision Application and hence, it stands disposed of.

[PRITHVIRAJ K. CHAVAN, J.]