

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

CRIMINAL APPEAL NO. 52 OF 2022

Dinanath Bhosale Sahakari Nagari Patasanstha
And Ors. ...Appellants
Versus
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL APPEAL NO. 54 OF 2022**

Dinanath Bhosale Sahakari Nagari Patasanstha ...Appellant
Versus
The State Of Maharashtra And Anr. ...Respondents

**WITH
CRIMINAL APPEAL NO. 53 OF 2022**

Dinanath Bhosale Sahakari Nagari Patasanstha
And Ors. ...Appellants
Versus
The State Of Maharashtra And Anr. ...Respondents

....

Mr. Kedar J. Patil, Advocate for Appellant.

Mr. Yogesh Sankpal aw Mr. Kishor Ajetrao, Advocate for the
Respondent.

Mrs. Anamika Malhotra, APP for the Respondent – State.

CORAM : PRAKASH D. NAIK, J.
DATE : 23rd JUNE, 2023.

PER COURT:

1. All these appeals can be disposed off by common order. The
issue involved is whether the directions under Section 202 of Cr.PC

were issued without recording verification statement of the complainant.

2. Learned Advocate for the Appellant and Respondent No.2 fairly submitted that before issuing directions under Section 202 of Cr.PC. vide order dated 18th March, 2021, the verification statement of the complainant was not recorded.

3. The order is contrary to law and required to be set aside.

ORDER

- i. Criminal Appeal No.52 of 2022; Criminal Appeal No 54 of 2022 and Criminal Appeal No 53 of 2022 are allowed;
- ii. Impugned orders dated 18th March, 2021 directing investigation under Section 202 of Cr.PC. in each complaints is set aside.
- iii. The learned Magistrate is at liberty to record the verification statement of the complainant and proceed with the complaints in accordance with law as expeditiously as possible.
- iv. Appeals are disposed off.

(PRAKASH D. NAIK, J.)