

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

CRIMINAL WRIT PETITION NO. 95 OF 2023

Ahmad s/o Karim Bhai Sheikh

.Vs.

Nitin s/o Baliram Kamale

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

Shri S.W. Sambre, Advocate along with Shri K.S. Agrawal,
Advocate for the petitioner.

Shri A.V. Muley, Advocate for the respondent.

CORAM : G.A. SANAP, J.

DATE : APRIL 13, 2023.

1. Heard learned Advocates for the parties.
Perused the record and proceedings.

2. This writ petition can be disposed of in view of
the statements made by learned Advocates for the parties
across the bar.

3. Learned Advocate for the
complainant/respondent concedes that in the application
made under Section 143-A of the Negotiable Instruments
Act, 1881 no specific reason was stated. It is seen that
since the reason is not stated in the application, learned

Magistrate had no occasion to deal with that part of the matter on merits.

4. Learned Advocate for the petitioner submits that first and foremost reason must be mentioned in the application and the same must be considered by the learned Magistrate while passing the order one way or the other. In this case it is stated that there was no question of considering the reason while deciding the application inasmuch as the reason was not be stated in the application.

5. The learned Advocate for the respondent submits that complainant has submitted his evidence on affidavit. He submits that the matter is listed for further examination-in-chief and cross examination of the complainant by the accused. Learned Advocate fairly concedes that this order may be set aside and the necessary directions be issued to the learned Judge to dispose of the matter expeditiously.

6. Learned Advocate for the petitioner submits that since the matter is part heard, his client cannot object for expeditious hearing of the case.

7. In view of the above, the impugned order is set aside. The application in question is dismissed. However, in view of the statement made as above the learned Magistrate is requested to dispose of the criminal complaint expeditiously and in any case within a period of six months from today.

8. Criminal Writ Petition is disposed of accordingly.

(G. A. SANAP, J.)

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