

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

CRIMINAL APPLICATION (APL) NO. 504 OF 2022

Sau. Sharda w/o Ganeshrao Pawar and ors.

.Vs.

Kishor s/o Sopanrao Shilwant

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

Shri Mahesh Rai, Advocate for the applicants.

Shri Vijaykumar Paliwal, Advocate for the non-applicant.

CORAM: G.A. SANAP, J.

DATE : 13/03/2023

Learned Advocate for the applicants after arguing the matter for sometime seeks leave to withdraw the application. Learned Advocate also seeks liberty to challenge the order, if any, passed by the learned Magistrate in the complaint against the applicants and also to apply for quashing the said complaint.

2. The report of the inquiry ordered by the learned Magistrate has been placed on record. It is seen that the report was submitted by Police Officer on 26.12.2018. I am informed by the learned Advocate for the applicants that till date, the learned Magistrate has not passed any order in the complaint. It is seen that before passing an order of issuance of process, the learned Magistrate would be required to take

into consideration the facts stated in the complaint as well as disclosed in the police report. It is pertinent to note that proceeding initiated against the applicants under Section 101 of the Maharashtra Co-operative Societies Act, 1960 has been decided against the non-applicant/complainant. Learned Magistrate would be required to pass an appropriate order after taking into consideration the nature of the proceeding.

3. Since the matter is pending for the said purpose for long time, learned Magistrate is requested to decide the point of issuance of process, at the earliest and in any case within a period of four weeks from today.

4. Liberty, as sought for, is granted.

5. Criminal Application stands disposed of, as withdrawn.

(G. A. SANAP, J.)

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