

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

CRIMINAL APPLICATION(APL) NO.12 OF 2023

Barkatulla Rayasatrulla

vs.

State of Maharashtra, through P. S.O., P. S. Paratwada, District Nagpur.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri R.J.Shinde, Advocate for petitioner.

Ms N.P.Mehta, Additional Public Prosecutor for respondent no.1/State.

CORAM :- A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI, JJ.

DATE :- JANUARY 05, 2023.

Challenge is raised to the First Information Report bearing No.0566 of 2022 lodged at the instance of the non-applicant no.2 for the offence under Section 420 read with Section 34 of the Indian Penal Code.

It is submitted by the learned counsel for the applicant that though the incident in question is alleged to have been taken place in the year 2016, the First Information Report has been lodged on 25.11.2022. He submits that no amount was taken from the informant so as to proceed on the basis that the applicants had cheated the non-applicant no.2. According to him, the applicants were working as labourers at the field of the informant-non-applicant no.2.

On perusal of the First Information Report, we find that various aspects with regard to the transaction in question have been narrated by the informant. The defence of the present applicants that no amount was ever received from the non-applicant no.2 would be the matter of evidence and at this stage, under Section 482 of the Code of Criminal Procedure, 1973, such exercise cannot be carried out.

We are therefore not inclined to entertain the application. The applicants are at liberty to take appropriate steps before the trial Court.

The criminal application is disposed of.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)

Andurkar..