

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

CR. REVISION APPLICATION NO.13 OF 2024

Namrath Nithyananda Shetty ...Applicant

vs.

The Sr. Police Inspector and Anr. ...Respondents

Mr. Amarlal H. Ramrakhiani i/b. Mr. Vaibhav P. Shinde :-	Advocate for Applicant.
Ms. S. E. Phad :-	APP for State.
Mr. Rahul Khandu Kolape, PSI	Lonikand Police Station.

CORAM : S. M. MODAK, J.

DATE : 27th JUNE 2024

P.C. :-

1. Heard learned Advocate for Applicant and learned APP. The legality of the order dated 2nd August 2023 thereby dismissing the private complaint is challenged by the Complainant. (Page-27).

2. Learned Advocate invited my attention to the following orders / reports :-

- (i) The report dated 25th October 2021 (Page-93) sent by Lonikand Police Station informing that the incident has taken place due to the financial transactions. This report is submitted on the basis of order dated 11th December 2019 passed by the learned Magistrate in Criminal Miscellaneous Application No.2749 of 2019. Though it is not a part of compilation, it's hard copy shown to me.
- (ii) On 29th June 2022 learned Magistrate was not satisfied with the inquiry report and again sent it for further inquiry to the police (Page-32).
- (iii) The order dated 2nd August 2023 thereby dismissing Complaint under section 203 (Page-27).

3. The legality of this order is challenged. The contention is learned Magistrate has not waited for the report of further inquiry. In fact learned Magistrate insisted upon the Applicant / Complainant to file pursis thereby informing to stop the further investigation. That pursis is also filed. It is at Page No.162. The learned Advocate tried to explain how his client was compelled to file that pursis. Court will look into it on the next date when the matter will be heard.

4. The officer from Lonikand Police Station is present. He has come

in pursuance to the message however he has not brought the papers.
Actually he informed to the learned APP that there is a report submitted in the Court. Let learned APP to produce that report to the Court on next date.

5. If this direction is not complied with, the Court will impose costs of Rs.10,000/-.

6. Stand over to **18th July 2024**. To be listed '**High on Board**'.

[S. M. MODAK, J.]

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