

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.13 OF 2024

Namrath Nithyananda Shetty

.. Applicant

Versus

The Police Inspector and Anr.

.. Respondents

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- Mr. Amarlal H. Ramrakhiani i./by Mr. Suyash S. Parab, Advocate for Applicant / Complainant.
- Mr. Jignesh Gor, Advocate for Respondent Nos.2 and 4.
- Ms. Dhanlaxmi S. Krishaiya, APP for Respondent No.6 – State of Maharashtra.

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 07, 2024

P.C.:

1. Heard Mr. Ramrakhiani, learned Advocate for Applicant, Mr. Gor, learned Advocate for Respondent Nos.2 and 4 and Ms. Krishaiya, learned APP for Respondent No.6 – State of Maharashtra.

2. In this case, grievance expressed in the Revision Application is that learned Trial Court (JMFC) has passed the impugned order dated 02.08.2023 “*suo moto*”, *inter alia*, curtailing the directions contained in the previous order passed 11 months ago by the predecessor of the concerned Magistrate who has passed the impugned order.

3. Mr. Ramrakhiani, learned Advocate appearing for the Applicant who is complainant before the Trial Court would inform the

Court that by virtue of the previous order dated 29.06.2022, the learned JMFC had directed further investigation and accordingly passed certain directions in that regard. He would submit that even after 11 months pursuant to the said order, no investigation took place. He would submit that thereafter there was a change of the learned JMFC in the Trial Court and the present JMFC passed the impugned order *suo moto* directing curtailment and closure of the directions contained in the previous order.

4. In his usual fairness, Mr. Ramrakhiani, learned Advocate for the Revision Applicant would inform the Court, rather at the outset, that when the matter appeared before the incumbent JMFC, deliberation took place on the basis as to whether the complainant's Advocate should file a *pursis* for seeking curtailment of the directions contained in the previous order. He would submit and inform the Court that infact the Advocate for complainant did file the *pursis*. However he would inform the Court that if the impugned order is perused, the learned Trial Court has passed the order *suo moto* on its own motion without considering the *pursis*.

5. I need to hear the learned Advocate for Respondent including the learned APP for Respondent – State of Maharashtra.

6. Stand over to **15th October, 2024.**