

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO.2264 OF 2024
IN
CRIMINAL APPLICATION NO.1032 OF 2018

Ravindra S/O Ramesh Bharde .. Applicant
Versus
The State of Maharashtra and anr .. Respondents
...

Adv.Shrishailya S Deshmukh for the Applicant.
Ms.S.S. Kaushik, APP for the State.

CORAM: BHARATI DANGRE &
MANJUSHA DESHPANDE, JJ.
DATED : 12th AUGUST, 2024

P.C:-

1 Interim Application No.2264 of 2024 seek restoration of Criminal Application No.1032 of 2018, which was dismissed for want of prosecution on 29/04/2024, by recording that the absence of the Advocate reflected that the applicant is not interested in pursuing the application.

We have heard the learned counsel for the applicant and on being satisfied that the non-appearance was bonafide as indicated in paragraph no.3 of the application, we deem it appropriate to restore Criminal Application No.1032 of 2018 to its file.

2 We have taken up the Criminal Application for hearing and we have noted that the same is filed by one Ramesh Bharde, who was arraigned as accused in C.R. No.I- 20 of 2018 registered with

Tribakeshwar police station invoking Section 420 r/w 34 of IPC being registered at the instance of the Nayab Tahsildar. Today, we have dealt with two Criminal Applications i.e. Criminal Application No.840 of 2018 and 868 of 2018, filed by co-accused in the same C.R. where the Superintendent of Police Nashik, Rural in an affidavit dated 28/06/2024, had made the following observations:-

“12. I say that petitioner have also submitted various orders passed by various Revenue Officers and Authorities. However, upon perusal of the entire record and the conclusions of the above referred orders shows that they are in favour of the present Petitioner and none of the order is against the present petitioner and others. That the Hon’ble Maharashtra Revenue Tribunal, Mumbai has also passed Judgement and order in the favour of the present Petitioner. I further submit that as per the information received from the Petitioner, currently there are no enquiries/ proceedings pending before any Revenue Authorities against the present Petitioner and others.

13. I say that upon perusal of the entire record of the said offence, I am of the view that the nature of the said offence is of Civil as the technicalities of Revenue Laws are involved. That during the investigation of the said offence the Investigation Officer has not come to a definite conclusion regarding the commission of the said alleged offence. Also there is no material with the Investigating Agency so as to file charge sheet against the present Petitioner. Therefore, upon perusal of the entire record of the said offence, I am of the view that in view of the facts and circumstances narrated above, it is humbly submitted that necessary orders as per the provisions of the law may please be passed.”

3 In pursuant thereto, we have asked learned APP to take instructions and Ms. Deshmukh, has placed before us the instructions, which she received from P.I. Trimbakeshwar Police Station informing that on 6/08/2024, ‘C’ summary has been filed in the Court of

Judicial Magistrate First Class, Nashik in the subject C.R. i.e. 18 of 2018 vide outward No. 1965 of 2024.

In the wake of the aforesaid statement being made, by reserving liberty in the applicants, to seek appropriate action, if the summary is not accepted or any adverse order is passed, the Criminal Application came to be disposed off.

4 When attention of APP Ms. Kaushik is brought to the aforesaid order, she do not dispute that the present applicant face the same accusations in the subject C.R. and even he would be covered by the affidavit, which was filed by the Superintendent of Police Nashik, Rural dated 28/06/2024.

5 In the wake of the aforesaid statement, the Criminal Application is disposed off, as in C.R. No.18 of 2018, which had invoked Section 420 r/w 34 of IPC against the present applicant, C summary final No.41 of 2024 is already forwarded. Application is disposed off.

Needless to state that liberty conferred upon other applicants is also available to the present applicant, in case of any adverse order being passed against him.

(MANJUSHA DESHPANDE,J)

(BHARATI DANGRE, J.)