



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

CRIMINAL WRIT PETITION NO.904 OF 2024

Sukhdev s/o Kashiram Jadhav

(Vs.)

Rupali w/o Mohan Khanna

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

Court's or Judge's orders.

Mr. Mahesh Rai, Advocate for the petitioner.

CORAM : G.A. SANAP, J.

DATE : 12.11.2024

Heard finally at the stage of issuance of notice. Perused the record and proceedings.

2. Learned Advocate for the petitioner submits that the accused has lost the copy of the notice dated 10.10.2022. He submits that this fact was categorically stated in the reply filed by the accused to the application at Exh.51.

3. It appears that there is a dispute with regard to the actual date of the issuance of notice. According to the complainant, due to oversight the date of notice as 10.10.2022 is wrongly mentioned, instead of 11.11.2022. The complainant would be

required to prove all these facts. It is submitted by learned Advocate for the petitioner that the cause of action pleaded is on the basis of the notice dated 11.11.2022. In my view, therefore, the accused is not required to give undue importance to this aspect. He has already disclosed that the notice dated 10.10.2022 was received by him. In this view of the matter, the petitioner will have to comply the order.

4. Learned Advocate for the petitioner submits that the accused has instructed him to make a statement that this notice has been lost/misplaced.

5. In my view, it is open for the petitioner to file his affidavit on record and comply the order.

6. In view of this, I do not see any substance in the petition. The Criminal Writ Petition is accordingly, rejected.

JUDGE