



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

Second Appeal No.254 of 2024

Devang Dinesh Master vs. Ramesh Shantilal Jogi

*Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.*

Court's or Judge's Orders

*Mr. Soumitra Paliwal, Advocate for the Appellant.
Mr. M.G. Sarda, Advocate for the Respondent.*

CORAM : ROHIT W. JOSHI, J.
DATE : 12th NOVEMBER, 2025.

The appellant–original defendant had initiated criminal prosecution against the respondent–plaintiff and others, alleging that although an amount was deposited with the company towards subscription of certain shares, neither the shares were allotted nor was the amount refunded. It is not in dispute that the said criminal prosecution has resulted in acquittal of the present respondent–plaintiff and all other accused persons. After acquittal from the said criminal prosecution, the respondent–plaintiff filed a suit for damages on account of malicious prosecution. The said suit was decreed by the learned Trial Court and the appeal preferred by the present appellant–original defendant also came to be dismissed.

02. Perusal of the findings recorded by the learned Courts does not indicate that any positive finding has been recorded to the effect that, although the shares were allotted or the amount was refunded, the present appellant–defendant had intentionally lodged a false complaint with the police authorities with a view to prosecute the respondent–plaintiff and other accused persons.

03. In view of the above, the following substantial questions of law arise for consideration in the present second appeal.

- i. Whether the learned Courts failed to appreciate that the plaintiff could not prove malice or wrongful motive for initiating criminal prosecution against him?
 - ii. Whether the learned Courts failed to appreciate that the plaintiff failed to prove that the criminal prosecution was initiated with malice and wrongful motive?
- 04. List the appeal for final hearing at the admission stage on 10th December, 2025.
- 05. Call record and proceedings.
- 06. In the meantime, the appellant to file copies of pleadings and depositions.

JUDGE

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