

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**APPELLATE SIDE**

**CRIMINAL APPLICATION NO. 1022 OF 2012**

Pure Drinks Ltd. :- Applicant  
versus  
The State of Maharashtra & Anr. :- Respondents

Mr. K. T. Tulsi, Senior Advocate, with Mr. Satish Maneshinde, Mr. Gaurav Bhargawa, Mr. Prakash Naik and Mr. Deepak Chitnis, i/b. M/s. Deepak Chitnis – Chiparikar & Co., for the Applicant.

Mr. J. P. Yagnik, APP, for Respondent State.

Mr. Girish Kulkarni, APP, for Respondent No. 2.

**CORAM :- A.M.KHANWILKAR &  
R.Y.GANOO, JJ.**

**DATED :- SEPTEMBER 13, 2012**

**P.C. :-**

Heard Counsel for the parties. Arguable questions are raised.

2) Rule. Mr. J. P. Yagnik, APP, waives service for Respondent State and Mr. Girish Kulkarni waives service for Respondent No. 2.

3) As regards the interim relief, stay of operation of the order dated 22<sup>nd</sup> March, 2012, passed by the Magistrate in C. C. No. 2900014/SW/2012 as also further investigation in the MECR registered on the basis of the said order, as prayed for, granted.

4) We are inclined to grant this relief, as, prima facie, we find force in the submission of the Petitioner that in a private complaint, on the death of the complainant, the proceedings could not have been taken forward. The record indicates that the complainant died on 30<sup>th</sup> January, 2012, whereas, the order issuing direction under Section 156(3) of the Code has been passed on 22<sup>nd</sup> March, 2012. In that sense, the Court could not have proceeded with the private complaint filed by the deceased complainant, on the relevant date.

**( R . Y . G A N O O , J . )**

**( A . M . K H A N W I L K A R , J . )**