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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION No. 2352 OF 2010

Satish Raosaheb Sawant & Ors. ...Petitioners
Vs.
Rajaram Mahadev Chormule & Anr. ...Respondents

Mr. U. R. Mankapure, for the Petitioners.
Mrs. M. R. Tidake, APP for the Respondent-State.

CORAM: V. M. KANADE J.

DATE : AUGUST 30, 2010

P.C.

1. Heard the learned counsel appearing on behalf of the petitioners and the learned APP. By this petition, the petitioners are challenging the order of issuance of process passed against them for the offences punishable under S. 392, 384 read with S. 34 of I.P. Code.

2. It is submitted that the said complaint has been filed mala fide by the original complainant. In the complaint it is alleged that petition No. 1 has organized a function and the entertainment program was also arranged. According to the complainant, accused/petitioners

herein, came to his shop and forcibly took an amount of Rs.1,600/- from the drawer and threw tickets of show in his shop. One Galib Mirza was shown as witness to the said incident. Initially, during the investigation, police recorded statement of Mirza Galib. He, however, did not support the complainant. Therefore, 'C' summary report was filed by the police after recording statement of the witnesses. The learned Magistrate has again recorded statement of Mirza Galib and his statement supported the complaint, and in view of the statement of Mirza Galib, process has been issued.

3. The learned counsel for the petitioners submit the complaint filed against Mirza Galib by the petitioners' brother, was pending. It is also submitted that other cases were also pending against the complainant. Therefore, with the mala fide intention, a complaint has been filed by the complainant. He also invited my attention to the permission which was granted for organizing the program, by the Collector and the other authorities. Prima-facie, from the aforesaid facts it appears that the complaint appears to have been filed with a mala fide intention to harass the petitioners. It is submitted that petitioner Nos. 1 and 2 are the journalists and petitioner Nos. 3 and 4 are carrying on business of offset printing. Prima-facie case is made out for grant of ad-

interim relief. Issue notice to respondent No.1 returnable after 4 weeks. In the mean time, there shall be an ad-interim relief in terms of prayer clause (c).

[V. M. KANADE J.]