

Hemand Doiphode and Another Vs. Dev Kapoor and Another

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SooperKanoon Citation : sooperkanoon.com/359785

Court : Mumbai

Decided On : Jul-09-1997

Reported in : 1998BomCR(Cri)176

Judge : Vishnu Sahai, J.

Acts : [Indian Penal Code \(IPC\), 1860](#) - Sections 34 and 420; [Code of Criminal Procedure \(CrPC\), 1973](#) - Sections 200 and 202

Appeal No. : Criminal Revision Application No. 160 of 1991

Appellant : Hemand Doiphode and Another

Respondent : Dev Kapoor and Another

Advocate for Pet/Ap. : R.K. Midha, Adv.; R.Y. Mirza, A.P.P.

Judgement :

ORDER

Vishnu Sahai, J.

1. Although this matter has been on the board of this Court since a long time, the Counsel for the petitioners has not chosen to make himself available. In the circumstances, I have no option but to decide the matter on merits with the assistance of Mr. R.Y. Mirza, learned A.P.P.

2. By this petition, the petitioners impugn the order dated 19-9-88 passed by the Metropolitan Magistrate, 30th Court, Kurla, Bombay, whereby a process for an offence under section 420 read with section 34 of I.P.C. in pursuance of a complaint filed by respondent No. 1, has been issued against them. I have perused the complaint and the statement of the complainant recorded under section 200 of the Criminal Procedure Code. In my view, a prima-facie case against the petitioners for an offence under section 420 read with 34 of I.P.C. is made out. That being the position, in my view, the impugned order cannot be faulted with.

3. In the result, this revision application is dismissed. Rule is discharged and interim order is vacated.

Office is forthwith directed to send copy of my order and the relevant papers to the trial Court which is directed to decide the case as expeditiously as possible (preferably within 6 months from today) as the impugned order was passed nearly 7 years ago.

4. Revision dismissed.