

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.
Criminal Application No. 3581 of 2008
[J. Kumar Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. Deoki Nanda Loharuka son of Late Shri
 Ramjee Das, Applicant [Original Respondent
 No.2] - in-person.
 Mr. O.D. Kakde, APP for respondent No.1.

CORAM : A.H. JOSHI, J.

DATE : 27th October, 2008.

Party-in-Person has circulated the
 matter by tendering a Pursis dated 24th October,
 2008.

1. Heard.

2. During oral submissions, the Party-in-
 Person has addressed the Court that his one of
 the applications has remained undecided. He
 points out at document which is titled as "Notes
 of Arguments on behalf of Respondent No.2." as
 well, in the midst thereof, titled it as "Leave
 to be granted to adduce some more additional
 evidence etc.", and is at Stamp No. 1334 of

2007.

3. While deciding the application for review and application for Speaking to the Minutes, all matters including the document at the stamp number concerned, are considered by this Court.

4. In the circumstances, Pursis St. No. 1344 of 2008 does not require a separate order, which is hereby disposed of.

Judge

| Hedau |

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.
Criminal Application No.1906 of 2008 [decided]
[J. Kumar Vs. State of Mah. & another]

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

Court's or Judge's orders

Mr. Deoki Nanda Loharuka son of Late Shri
 Ramjee Das, Applicant [Original Respondent
 No.2] - in-person.
 Mr. O.D. Kakde, APP for respondent No.1.

CORAM : A.H. JOSHI, J.

DATE : 27th October, 2008.

1. Heard.

2. According to the Party-in-Person,
 Criminal Application No. 1906 of 2008 is not
 decided.

3. The Office Note indicates that the
 Office has treated this Application as decided
 by Order dated 20th June, 2006.

4. Record in Farad order shows that on 20th
 June, 2006, this Court had passed following
 order:-

"Put up for final hearing

hearing. Stay to continue."

5. On perusal of Criminal Application No. 1906 of 2006, which, according to the applicant, is still not decided, it is seen that the prayers read as follows:-

"PRAYER :

1. Respondent No.2 prays in person for early final hearing in the matter kept pending since 13/03/2006 and further process u/s 390 of Cr. P.C in Case No. 258/04, before CJM, Nagpur which is pending and intentionally delayed since 08/12/2004.
2. Be pleased to Pass Interim Order or direct the Non-applicant No.1 to comply Contract Provisions of Compensation 10.3.ii) and 10.5 shortly and also being beneficiary as per Report of Coal Ministry dtd. 18/08/2003, direct them to pay the claimed Amount Rs.3.407 Crores for such non-compliance.
3. Be pleased to pass the order to discontinue the mines till disposal of this complaint, for the purpose of the ends of justice and call all the records and proposal from Non-Applicant No.1, either submitted or withdrawn related to the disputed forest land 10.190 hec., as asserted at Grounds i),
4. be pleased to call for all the records from the files of 4th ADJ, Nagpur, from District Sessions Judge, Nagpur in Misc. Cr. Rev. A. 892/04 and from Non-Applicant No.6 all records since 03/04/2002 including report of DFO, Betul dt.

24/07/2003 to see ground realities in this case and after reviewing gross injustice set-aside the orders of 4th ADJ, and enhance the sentence & bond of Rs.20 lakhs each accused,

5. Be pleased to allow this Cri. Application Revision with costs."

6. It is seen that these prayers are in the Criminal Application No. 114 of 2006 filed by the respondent in the original complaint which was filed by the applicant herein before the Magistrate. Such prayers by respondent therein are not maintainable. Such prayers cannot be a matter of interlocutory applications by the respondent in a Criminal Application in this Court.

7. Since this Court has already treated this application as decided, and even has long before decided main application, no further and fresh orders are necessary. For clarification, however, it is observed that application does not survive and is treated as disposed of with main application being outside the scope of main petition.

Judge

| Hedau |

