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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO.688/2012

Dr.Bhagwat Tukaram Shinde.
...Applicant..

Versus

The State of Maharashtra & another.
...Respondents...

.....

Shri V.B. Jadhav, Advocate h/f Shri V.D. Hon , Advocate
for applicant.

Shri M.M. Nerlikar, APP for respondent no.1.

Shri V.S. Bedre, Advocate for respondent no.2.

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CORAM: A.B. CHAUDHARI &
INDIRA K. JAIN, JJ.

DATE: 16.10.2015

ORDER :

1] Heard learned counsel for the rival parties. Rule.
Rule is made returnable forthwith and the application is
taken for hearing with the consent of learned counsel for
the parties.

2] Perused the impugned order dated 11.4.201 passed by
the learned Chief Judicial Magistrate, Ahmednagar.
Following is the prayer in the present application:

“B] Quash and set aside the order dated
11.4.2011 passed by the Chief Judicial Magistrate,
Ahmednagar, in R.T.C.No.187 of 2011 and quash and

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set aside the complaint R.T.C.No.187 of 2011 pending before the learned Chief Judicial Magistrate, Ahmednagar."

3] Upon perusal of the impugned order, we find that the said order is a non-speaking order issuing process, which has serious consequences. It is well settled that even such order of issuance of process must show the application of mind by the trial Judge. That is absent in the present case. We, therefore, make the following order.

ORDER

Criminal Application No.688/2012 is partly allowed. The impugned order dated 11.4.2011 passed by the learned Chief Judicial Magistrate, Ahmednagar, in R.T.C.No.187/2011 is set aside and the proceedings are remitted to the learned trial Judge for fresh consideration in accordance with law and for passing fresh orders.

(INDIRA K. JAIN, J.)

(A.B. CHAUDHARI, J.)