

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

Office Memoranda of appearance, directions and orders.	Notes, of Court's orders and Registrar's orders.	Court's or Judge's orders.
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CRIMINAL WRIT PETITION NO. 372 OF 2014

VISHWAMBHAR GHANSHYAM BAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
APP for Respondent: Mr. U. H. Bhogle.

CORAM: T. V. NALAWADE, J.
DATED: 15th JUNE, 2015.

PER COURT:

1. Nobody is present for petitioner. This Court has gone through the relief claimed and the orders made by learned J.M.F.C. Learned J.M.F.C. has given direction to comply the previous order made by his predecessor to make investigation under section 156 (3) Cr.P.C. This order was challenged by the Petitioner by filing Criminal Revision Application No.142 of 2010 in the Court of Sessions, Nanded. The Sessions Court has dismissed the Revision. The Petitioner wants order of issue process. The Sessions Court has made it clear that if the order

made by learned J.M.F.C. is not complied by the investigating agency the Magistrate can take appropriate action in that regard and make further orders. There cannot be any dispute over this position of law. As nothing is with the Magistrate at present and the original complaint is sent for investigation under section 156 (3) Cr.P.C. order of issue process cannot be made. The complainant is interested in order of issue process. In the result, petition stands dismissed.

[T. V. NALAWADE, J.]

Dt.15/06/2015
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