

**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 | Office Coram, orders or Registrar's | Court's or Judge's orders. |
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CRIMINAL REVISION APPLICATION NO. 94 OF 2014

AGASTI SARV SEVA SANGH AGASTI NAGAR-AKOLE.  
VERSUS  
NAMDEO WAMAN CHAVAN

...  
Advocate for Applicant : Mr. Shelke Shivaji T.  
APP for Respondent No.2: Mr. P. N. Mule.

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**CORAM: T. V. NALAWADE, J.**  
**DATED: 22nd JUNE, 2015.**

**PER COURT:**

1. The revision is filed to challenge the order of dismissal of private complaint which is summons case. The dismissal order was made before the appearance of the accused and before service of summons of the case and so there was no acquittal of the accused. This order is revisable and the Revision lies in Sessions Court. Proprietary requires that the revision is filed in Sessions Court and after getting decision of Sessions Court the party can come to this Court in other proceedings. Learned counsel for the Applicant submits that there was

mistake committed by coming to this Court but already sometime is wasted and so the proceedings needs to be decided by this Court. This submission is not acceptable as Sessions Court will become defunct if every revision is entertained by this Court when it lies before the Sessions Court. The point of delay can be considered by the Sessions Court under section 14 of the Limitation Act.

2. On instructions, learned counsel for the Revision Petitioner wants to withdraw the revision with liberty to approach Sessions Court.

3. The revision is disposed of as withdrawn with aforesaid liberty.

**[T. V. NALAWADE, J.]**

Dt.22/06/2015  
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