

THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

CRIMINAL WRIT PETITION NO. 771 OF 2015

Abdul Wahab Shaikh Munaf,
Age 68 years, Occ: Pensioner,
R/o. Maniyarwada, Raver,
Tq. Raver, Dist. Jalgaon.

... **PETITIONER**

VERSUS

The State of Maharashtra,
Through Officer Incharge of
City Police Station, Jalgaon.

... **RESPONDENT**

...
Mr. B. R. Kedar, Advocate for Petitioner.
Mr. B. A. Shinde, APP for Respondent / State.

...

CORAM : **INDIRA K. JAIN, J.**

DATE : 14th December, 2015.

ORAL JUDGMENT:

. Rule. Rule made returnable forthwith. Heard finally with
the consent of learned counsel for the parties.

2 This petition takes an exception to the order dated 6th

May, 2015 passed by the learned Chief Judicial Magistrate, Jalgaon in Criminal M. A. No.276 of 2015. By the said order the learned Chief Judicature Magistrate proceeded under Section 200 of the Code of Criminal Procedure and fixed the matter for examination of Complainant.

3 The facts giving rise to the instant petition may be stated in brief as under:

Petitioner moved an application before learned Chief Judicial Magistrate, Jalgaon alleging commission of offences under Sections 166, 167, 193, 196, 197, 199, 200, 409, 415, 419, 420, 465, 468 and 471 read with 34 of the Indian Penal Code and prayed to direct the investigation under Section 156(3) of the Code of Criminal Procedure.

4 On the application of Petitioner learned Chief Judicial Magistrate passed the impugned order proceedings under Section 200 of the Code of Criminal Procedure and fixed the matter for recording statement of Complainant. This order is the subject matter of present writ petition.

5 Heard Mr. B. R. Kedar, learned counsel for Petitioner and
Mr. B. A. Shinde, learned APP for Respondent / State.

6 It is pertinent to note that relief sought by the Petitioner
was to order investigation under Section 156(3) of the Code of
Criminal Procedure. The said relief was neither declined nor allowed
by the learned Magistrate. No reasons are assigned for proceedings
under Section 200 of the Code of Criminal Procedure and not under
Section 156(3) of the Code of Criminal Procedure. For want of proper
and precise reasons impugned order does not sustain. Hence the
following order –

ORDER

- I. Criminal Writ Petition No.771 of 2015 is allowed.
- II. Impugned order dated 6th May, 2015 passed by
the learned Chief Judicial Magistrate, Jalgaon in
Criminal M. A. No.276 of 2015 is quashed and
set aside.

- III. The learned Chief Judicial Magistrate to consider the application in question and decide the same afresh by giving proper and precise reasons.
- IV. Rule is made absolute in terms of prayer clause (B).

[INDIRA K. JAIN, J.]

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