

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.
CRIMINAL APPELLATE JURISDICTION.**

Criminal Writ Petition No. 643 Of 2012

BHAGWANDADA GORAKHE
Versus.
THE STATE Of MAH AND ANOTHER.

Appearance =>

Mrs. Vidhya Raut, Advocate for the Petitioner. Not Present.

Mr. S.A. Ambad, Additional Public Prosecutor for the State of Maharashtra.

CORAM : V.M. DESHPANDE, J.

DATE : 11th FEBRUARY, 2015.

Per Court :-

[1] None present for the Petitioner. The record shows that, the learned counsel for the petitioner is not appearing before the court since 24th November, 2014.

Present Writ Petition is filed against the judgment and order dated 11th May, 2012 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Revision Application No.79 Of 2012 by which the learned revisional court allowed the Criminal Revision Application filed on behalf of present Respondent No.2 and, thereby restored the complaint filed by Respondent No.2 on the file.

[2] I have gone through the impugned order. By the said order, the revisional court has restored the complaint filed by Respondent No.2 which

was dismissed in default. The said private complaint was filed for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881.

[3] Perusal of the impugned order shows that the learned revisional court has given reasons in Paragraph No.7 for restoring the complaint. The learned revisional court in view of the reasons submitted, was of the view that the original complainant has pointed out sufficient ground and, therefore, he allowed the revision. Thus, the learned revisional court has exercised its discretion. The said discretion in my view is properly exercised warranting no interference. Hence, Writ Petition is dismissed.

(V.M. DESHPANDE, J.)