**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**BENCH AT AURANGABAD**

**CRIMINAL APPLICATION NO. 4325 OF 2013**

Gangadhar S/o Bansi Pandhare
Age : 67 Yrs., Occ. : Pensioner,
R/o : C/o Sunil Automobiles,
Hingoli Road, Nanded. **….. APPLICANT**

**V E R S U S**

1. Rahman Sharif S/o
Haji Sharif, Age :
37 Yrs., Occ. Business,
R/o : Degloor Naka No. 1,
Hyderbag, Nanded.
2. Ramkrishna S/o
Madhavrao Chakawar,
Age : 48 Yrs., Occ.
Business, R/o Vazirabad,
Nanded.
3. Balkrishna S/o
Haribhau Mahajan
Age : 56 Yrs., Occ.
Business, R/o Vazirabad,
Nanded.
4. Shaikh Babu S/o
Shaikh Ibrahim
Age : 36 Yrs., Occ.

Service, R/o Kamtha (Kd.),
Tq. & Dist. Nanded.

5. Shaikh Saleem S/o
Shaikh Nabi
Age : 41 Yrs., Occ.
Business, R/o Asara Nagar,
Nanded. **….. RESPONDENTS**

.....

Mr. B.G.Deshmukh, Advocate for the Petitioner.
Mr. V.V.Bhavthankar, Advocate for R – 1 to 5.

.....

**CORAM : V.M.DESHPANDE, J.**
**DATE OF JUDGMENT : 7th JANUARY, 2015**

.....

**ORAL JUDGMENT :**

1. Rule. Rule is made returnable forthwith. By consent of the learned counsel for the applicant and the learned counsel for respondent Nos. 1 to 5, the Criminal Application is taken up for final hearing.

2. Heard Mr. B.G.Deshmukh, the learned counsel for the applicant and Mr. V.V.Bhavthankar, the learned counsel for respondent Nos. 1 to 5.

3. The present applicant is a Complainant. He filed a private Complaint in the Court of the Chief Judicial Magistrate, Nanded. The same was registered as R.C.C. No. 738/2011. In the said Complaint, he joined 4 persons as accused persons. Though the prayer in the Complaint was that the direction be issued u/s 156 (3) of the Code of Criminal Procedure, the learned 6th J.M.F.C., Nanded passed order dated 28/02/2012, thereby the learned Magistrate himself has taken cognizance and issued process against the original accused No. 4 Vithal Shetty.

4. Feeling aggrieved by the said order, the applicant/Complainant preferred Revision before the revisional Court. The said Revision was registered as Criminal Revision No. 50/2012. The prayer made by the present petitioner in the said Revision is reproduced as under, :

> *" It is therefore prayed that the Revision petition may kindly be allowed and order passed by the learned 6th J.M.F.C., Nanded may kindly be set aside and issue process may kindly be issued against the respondent No. 1 to 5 and most oblige ".*

5. Thus, it is very specific that what was challenged by the present applicant/complainant before the revisional Court was that he was dis-satisfied for non issuance of the process against the present respondents. The learned revisional Court vide Judgment dated 27/06/2013 in Criminal Revision No. 50/2012 recorded a finding that the original Complaint is totally silent in respect of the material allegations against the original accused Nos. 1 to 3, who are respondents in this proceeding. With the assistance of the learned counsel for the parties, I have gone through the reasoning supplemented by the learned Sessions Judge, Nanded. The learned Judge of the revisional Court has specifically recorded a finding that there are no allegations against accused Nos. 1 to 3, as to how they are related to the execution of the sale deed.

6. In that view of the matter, no exception can be taken to the orders passed by both the Courts below. Hence, the present Criminal Application is dismissed. Rule discharged.

**[V.M.DESHPANDE, J.]**

KNP/Crim. Apln. 4325.2013 - [ J ]