

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

CRIMINAL WRIT PETITION NO.1086 OF 2015

Dayanand s/o Shivajirao Rodge,
Age: 52 years, Occ: Agri.,
R/o. Devarjan, Tq. Udgir,
Dist. Latur.

...Petitioner

versus

Fulabai w/o Sangshetti alias
Khushalrao Rodge,
Age: 67 years, Occ: Household & Agri.,
R/o. Devarjan, Tq. Udgir,
District Latur & ors

...Respondents

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Mr. Babhulgaonkar, Advocate h/f Mr. S.S. Deshmukh (Patnurkar),
Advocate for petitioner
Mrs. M.A. Deshpande, A.P.P. for respondent No. 6

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CORAM : N.W. SAMBRE, J.

DATE : 7th SEPTEMBER, 2015

ORAL ORDER :

Mr. Babhulgaonkar, learned Counsel for the petitioner, while questioning the order passed by the Magistrate issuing process under Section 202 of the Code of Criminal Procedure and the order dated 21/07/2015 passed by the Additional Sessions Judge, Udgir to the extent of rejecting the revision and refusing to issue process against the accused other than accused No.1 and 2, would urge that the respondents herein were well within knowledge about the agreement of the present petitioner in relation to the property have

proceeded to purchase the same and have committed the offence in question.

2. Upon perusal of the report received under Section 202 of the Code of Criminal Procedure and the order passed by the Magistrate, so also learned Revisional Court, it is noticed that there was privity of contract between the present petitioner with that of accused Nos. 1 and 2 against whom process was ordered.

3. There is hardly any material on record to infer that the remaining accused were also responsible for commission of crime in question, particularly in absence of *prima facie* material.

4. In the light of above, the approach of learned Magistrate and Revisional Court cannot be termed to be contrary to law and in commission of error of law. As such, no substance is noticed. Present writ petition, as such, fails, same stands dismissed.

[N.W. SAMBRE, J.]