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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 2694 OF 2015**

Ajay Uttam Pawar

... Petitioner

Versus

The State of Maharashtra

... Respondent

Mr.Kuldeep S. Patil i/by Rupesh A. Zade for the petitioner.

Ms. G.P. Mulekar, A.P.P. for the State.

**CORAM : M.L. TAHALIYANI, J.
DATED : JULY 10, 2015**

P.C.

Admit. Heard finally.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is aggrieved by the order passed by the Sessions Judge, Solapur in Criminal Application No. 39 of 2013 rejecting the revision application of the petitioner challenging the order of the Magistrate refusing to discharge the petitioner. The petitioner is facing the trial for the offence punishable under sections 403, 408, 409, 420, 468 of the Indian Penal Code.

3. I have gone through the impugned order. The impugned order was passed in the absence of the petitioner. Learned Sessions Judge has stated that the petitioner was continuously absent and therefore he could not be

heard. It was an admitted revision application and therefore, was required to be decided on merits.

4. I have gone through the Order. In my opinion, the order is very superficial. Learned Additional Sessions Judge has refused to intervene only because the record was bulky. In my opinion, the view taken by the learned Additional Sessions Judge was not correct. He should have heard the petitioner or should have examined the record himself before passing any order.

5. In the result, this writ petition is allowed. The order passed by the learned Sessions Judge in Criminal Revision Application No. 39 of 2013 is set aside. Learned Additional Sessions Judge is directed to hear the petitioner afresh and decide the same in accordance with law. The petitioner to appear before the learned Additional Sessions Judge on 29th July, 2015. Learned trial Magistrate shall not frame the charge unless revision application is decided by the learned Additional Sessions Judge.

4. The petitioner shall pay cost of Rs.1000/- for continuously remaining absent before the Sessions Court and for delaying the decision in the revision application. The cost shall be paid in the office of the District Legal Services Authority, Solapur.

Writ petition stands disposed of in above terms.

(JUDGE)