

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

CRIMINAL APPLICATION NO. 91 OF 2015

Mr. Sanjeev Omprakash Abrol ... Applicant.

V/s.

State of Maharashtra ... Respondent.

Ms. K. H. Rajani, Advocate i/by Jaideep Thakker for the Applicant.

Ms. P. P. Bhosale, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 17th APRIL, 2015

P.C. :

1 Admit. By consent, heard finally at the admission stage.

2 Heard learned counsel appearing for the applicant and learned APP for the State.

3 Perused the impugned order. The learned Magistrate has rejected the prayer of the applicant for sending his complaint to the Police under section 156(3) of the Criminal Procedure Code for investigation. The learned Magistrate has adopted the procedure laid down under section 200 of Cr.P.C. onwards. The grievance of the learned Advocate for the applicant is that no reasons are recorded for

not granting prayer of the applicant. I have gone through the order of the learned Magistrate and found that the applicant's grievance is genuine. Though the learned Magistrate has relied upon at least eight judgments of various High Courts and Supreme Court, he has not discussed in his order any one of them. This appears to be the superficial order and it can be said that the learned Magistrate has not applied his mind and has acted arbitrarily.

4 The impugned order is, therefore, set aside. The learned Magistrate is directed to reconsider the complaint, hear the Advocate for the complainant and decide as to whether the complaint filed under section 156(3) could be sent to police for investigation. It is made clear that the learned Magistrate shall record reasons for whatever decision he takes on the complaint.

5 Application stands disposed of with the above directions.

(JUDGE)

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