

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 242 OF 2016

SAU. GEETA W/O SUNIL WARE  
VERSUS  
THE STATE OF MAHARASHTRA & ORS

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Advocate for Applicant : Mr. Hange Rajendra G.  
APP for Respondent No.1: Mr. N.B. Patil

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**CORAM : V. K. JADHAV, J.**  
**DATED : 23<sup>rd</sup> FEBRUARY, 2016**

**PER COURT:-**

1. The applicant-original complainant has approached this Court against the order passed by the learned J.M.F.C. Shirur dated 16.12.2015 in R.C.C. No. 144 of 2013. The applicant-original complainant has lodged complaint for the offences punishable under sections 494 and 109 of I.P.C. against 21 accused persons. The accused Nos. 1, 3 to 10 and 17 to 21 had challenged the order of issue of process by filing criminal revision No. 123 of 2013 before the Sessions Court at Beed. The learned Additional Sessions Judge, Beed, by order dated 26.11.2015 quashed and set aside the order of issuance of process passed against accused Nos. 1, 3 to 10 and 17 to 21 and further remanded the matter to the Magistrate with direction to comply with the provisions of section 202 of Cr.P.C. and thereafter proceed in accordance with law. The Magistrate by order dated 16.12.2015 has recorded sum and substance of the order passed by the learned

Additional Sessions Judge in the order and accordingly directed the concerned police to submit report under section 202 of Cr.P.C.

2. Learned counsel for the applicant submits that since the Magistrate has recorded sum and substance of the order passed by the learned Additional Sessions Judge in the impugned order, the concerned police may carry impression that report under section 202 of Cr.P.C. is required to be submitted against the accused persons who have not filed revision before the Sessions Court at Beed.

3. The apprehension expressed by the applicant is ill founded. As per the order passed by the learned Additional Sessions Judge, the Magistrate has directed the concerned police to submit report under Section 202 of Cr.P.C. There is no question of submitting report under Section 202 of Cr.P.C. by the concerned police against the accused only who have not preferred criminal revision before the Sessions Court. It is clear from the impugned order that the concerned police is directed to submit report under Section 202 of Cr.P.C. in the light of the allegations made in the complaint against all accused. In the light of these observations, criminal application is disposed of.

**( V. K. JADHAV, J.)**

rlj/