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

CRIMINAL WRIT PETITION NO.70 OF 2016

Shri Rameshwar Sahakari Sakhar Karkhana
Ltd. Raosaheb Nagar, Sipora Bajar,
Tq. Bhokardan, Dist. Jalna,
Through Shri Sarangdhar s/o Pandurang
Khadke, Age : 37 years, Occu. Service (Clerk),
R/o Rameshwar Sahakari Sakhar
Karkhana

..PETITIONER

VERSUS

Chintaman s/o Dashrath Dhole,
Age : 26 years, Occ. Sugarcane
Harvesting contractor,
R/o Bahal, Tq. Chalisgaon,
Dist. Jalgaon

..RESPONDENT

Mr H.D. Deshmukh, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 20th April, 2016

ORAL ORDER :

Heard learned Counsel appearing on behalf of the petitioner.

2. The complaint for an offence punishable under section 138 of the Negotiable Instruments Act, being Summary Criminal Case No.922 of 2014, was returned to the petitioner - complainant by an order dated 1st December, 2015, passed by the Judicial Magistrate First Class, Chalisgaon, for presenting the same before the appropriate court having jurisdiction. The petitioner accordingly received the complaint from the

(2)

court at Chalisgaon and presented the same before the Judicial Magistrate First Class, Bhokardan on 5th January, 2016. Since the complaint was received after thirty days from the date of the order of Judicial Magistrate First Class, Chalisgaon, it came to be returned to the present petitioner. *Prima facie*, in the order dated 5th January, 2016, passed by the Judicial Magistrate First Class, Bhokardan no legal basis for returning the complaint is mentioned, but for the reason of presenting the complaint after thirty days from the date of order of return of complaint passed by Judicial Magistrate First Class, Chalisgaon.

3. In view thereof, the order dated 5th January, 2016 passed by Judicial Magistrate First Class, Bhokardan, is a non-speaking order and lacks reasons.

4. In that view of the matter, in my opinion, it will be appropriate and accordingly the order dated 5th January, 2016, passed by the Judicial Magistrate First Class, Bhokardan is set aside, with direction to deal with the issue in detail after hearing the present petitioner on merits and pass appropriate order afresh.

Criminal Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

amj