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

CRIMINAL WRIT PETITION NO. 346 OF 2015

1. Diwakar s/o Devidas Joshi,
Age: 56 years, Occu: Agril & Doctor
2. Dipali w/o Diwakar Joshi,
Age: 48 years, Occu: Household
3. Satyajeet s/o Diwakar Joshi,
Age: 25 years, Occu: Agril.
4. Punjaji s/o Madhav Nadewad,
Age: 62 years, Occu: Agril,

All R/o. Tamsa, Tq. Hadgaon,
Dist. Nanded

..PETITIONERS

VERSUS

1. The State of Maharashtra
2. Manoj s/o Sahebrao Jagtap,
Age: 27 years, Occu: Agril.,
R/o. Unchada, Tq. Hadgaon,
Dist. Nanded

..RESPONDENTS

Mr B. G. Deshmukh, Advocate for petitioners;
Ms R. P. Gaur, Addl. Public Prosecutor for respondent No. 1;
Mr G. K. Muneshwar, Advocate for respondent No. 2

CORAM : N.W. SAMBRE, J.

DATE : 28th April, 2016

ORAL ORDER :

The order dated 13th January, 2015, in Criminal Revision No. 21 of 2014, passed by the learned Sessions Judge, Nanded, thereby setting aside the order dated 21st January, 2014, in Regular Criminal Case No. 43

(2)

of 2011, passed by the learned Judicial Magistrate First Class, Hadgaon, is questioned in this petition. The order is set aside on the ground that the report under 202 of the Code of Criminal Procedure, was very much submitted by the Investigating Officer before the learned Magistrate, which was lost sight of by the learned Magistrate.

2. In view there of, in my opinion, present Criminal Writ Petition is deserves to be allowed.

3. The order dated 13th January, 2015, passed in Criminal Revision No. 21 of 2014, by the learned Sessions Judge, Nanded, is hereby set aside. The revision stands restored on the file of learned Sessions Judge, Nanded, who shall decide the same expeditiously, after taking into account entire report under Section 202 of the Code of Criminal Procedure, which was submitted by the Investigating Officer.

4. The parties agree that they shall appear before the learned Sessions Judge, Nanded on 13th June, 2016.

5. Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

sjk