

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

CRIMINAL APPLICATION NO. 1503 OF 2016

Shaikh Latif Shaikh Karim and Others

..APPLICANTS

VERSUS

State of Maharashtra and Another

..RESPONDENTS

....

Mr.G.J. Pahilwan, Advocate h/f Mr. K.N. Shaikh, Advocate for applicants.
Mr. R.V. Dasalkar, APP for Respondent No.1.
Mr. D.R. Markad, Advocate for Respondent No.2.

....

**CORAM : N.W. SAMBRE, J.
DATED : 4th MAY, 2016**

ORDER :

1. After having heard the respective counsel it is noted that the order dated 30th April 2015 passed by the Judicial Magistrate First Class, Paithan ordering issuance of process for the offences punishable under Sections 323, 504, 506 read with 34 of the Indian Penal Code is without recording any reasons, satisfaction of the ingredients of the offence punishable under the relevant Section and the consideration of the material on record. The said order is contrary to the view expressed by the Division Bench of this Court in the matter of ***State of Maharashtra Vs. Shashikant Eknath Shinde*** reported in ***2013 All M.R. (Criminal) 3060***.

2. In view of the above, the impugned order dated 30th April 2015 passed by the Judicial Magistrate First Class, Paithan is set aside. The complainant undertakes to appear before the Judicial Magistrate First Class, Paithan on 28th June 2016. The Magistrate is required to consider the case of the complainant in accordance with the law laid down in this Court in the matter of State of Maharashtra Vs. Shashikant Shinde, particularly paragraph nos.30, 32 and 35 of the said judgment.

3. The application stands allowed and disposed of.

(N.W. SAMBRE, J.)