

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

CRIMINAL APPLICATION NO.2143 OF 2016

Siddheshwar s/o Ramling Kharade ... APPLICANT

VERSUS

The State of Maharashtra & another ... RESPONDENTS

.....
Shri A.A. Mukhedkar, Advocate for applicant
Shri K.S. Patil, A.P.P. for respondent/ State
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CORAM: A.I.S. CHEEMA, J.

DATED: 14th July, 2016.

ORAL ORDER :

1. Heard learned counsel for the applicant. Perused record. It appears that, the applicant brought a complaint in 2006, alleging interalia that he was wrongfully deprived of the compensation released by the Government, because of which he had filed complaints (giving details), dated 16.7.2005, 26.12.2005 and 27.2.2006, which were pending with the revenue authorities. The complaint before Judicial Magistrate, First Class then referred to an incident dated 8.3.2006, in which it is stated

that, the accused assaulted the complainant picking up quarrel as to why complaints were filed to his superiors. In such complaint of 2006, it appears that, the complainant, at belated stage, wanted to bring evidence regarding other grievance regarding non receipt of compensation etc., regarding which the complaint itself stated that the matter has been filed with the Commissioner, Aurangabad. The trial Court has considered the application and that the same was belated. In the Revision moved, the Additional Sessions Judge has also looked into the matter. The complainant wanted to call a witness to prove the sale deed which related to some Block No.1336, while the Blocks concerned in the matter were 1333 and 1434. Similarly, the Sessions Court looked into the other grievance also of the complainant and observed that, it was not relevant to decide whether or not the wife of complainant has received dividend by examining Sub-Registrar, Kallam.

2. I have considered the provisions of Section 220 of the Code of Criminal Procedure as to what offences can be tried together. I find that, in the complaint, for incident dated 8.3.2006 relating to incident of assault, the complainant is protracting the matter by trying to bring evidence relating to what he claims was cheating in distributing of compensation etc. for which he filed complaints to revenue authorities.

3. I have also heard learned A.P.P. for the State. Going through the orders of the trial Court as well as the Sessions Court, the orders appear to be correct and there is no substance in the criminal application. There is no reason to invoke inherent powers. Criminal Application is rejected.

(A.I.S. CHEEMA, J.)

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