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

CRIMINAL WRIT PETITION NO. 640 OF 2016

Sunita Ashok Khedkar ..PETITIONER

VERSUS

The State of Maharashtra & ors ..RESPONDENTS

Mr R.S. Deshmukh, Advocate for petitioner;
Mr N.T. Bhagat, A.P.P. for respondent No.1

CORAM : N.W. SAMBRE, J.

DATE : 6th OCTOBER, 2016

ORDER :

On 19th May, 2015, learned Judicial Magistrate, First Class, Beed in Regular Criminal Case NO. 1176 of 2014 ordered issuance of process against accused Nos. 1 to 5 for an offence punishable under Sections 494 and 109 of the Indian Penal Code.

2. It is the case of the present applicant that in the complaint, a specific case was tried to be made out for the said offences against accused

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Nos. 6 to 29, however, no order is passed qua issuance of process against the said accused. According to him, revisional Court has failed to consider the same when order was questioned before the revisional Court by the applicant being Criminal Revision No. 81 of 2015 decided on 30th January, 2016 by learned District Judge, Beed.

3. At the outset, it is required to be noted that learned Magistrate, pursuant to the complaint filed by the applicant, by an order dated 3rd February, 2015 called report under Section 202 of the Code of Criminal Procedure as it appears that respondents are residing outside the jurisdiction of the Magistrate. Thereafter, learned Magistrate having satisfied that the report discloses an offence against accused Nos. 1 to 5, was pleased to issue process.

4. So far as ground as is sought to be raised at this stage in the present petition is concerned, it needs to be noted that the said issue was never

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raised before the learned Sessions Judge while exercising revisional jurisdiction. Apart from above, it is required to be noted that the Magistrate having *prima facie* noted case against the accused Nos. 1 to 5, has issued process to the extent of said accused persons only. In my opinion, no case for indulgence in extraordinary jurisdiction is made out. As such, writ petition fails and stands dismissed.

(N.W. SAMBRE, J.)

Tupe