

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

CRIMINAL WRIT PETITION NO. 786 OF 2016

Vishwas Vijendrakumar Gundawar

..PETITIONER

VERSUS

Dhondopant Panditrao Vishnupurikar
and Others

..RESPONDENTS

....

Mr. Gajanan G. Kadam, Advocate for petitioner.
Mr. K.S. Patil, A.P.P. for Respondent No.3 - State.

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CORAM : A.I.S. CHEEMA, J.

DATED : 13th JULY, 2016

ORDER :

1. Heard learned Counsel for the petitioner. It is tried to be stated that accused persons have come up with publication of a newspaper and have shown false printing and sale figures amounting to cheating. The learned Counsel submitted that the Trial Court should have directed registration of F.I.R. but instead of that, the Trial Court has rejected the request for order under Section 156(3) of the Code of Criminal Procedure. The revision filed by the petitioner came to be dismissed. According to the learned Counsel in the revision petition, the petitioner had given various steps which are required to be taken for investigation. According to him, the orders passed in revision need to be

set aside as well as it is necessary to revise the orders passed by the C.J.M., Nanded.

2. I have gone through the material which has been brought on record. The order of C.J.M., Nanded shows instead of order Under Section 156(3) of the Code of Criminal Procedure, directed the matter to proceed as per Section 200 of the Criminal Procedure Code. When complaint is filed, the Magistrate has various options available under Section 200 read with Section 202 of the Code of Criminal Procedure, to see if sufficient grounds to proceed further are available.

3. In the present matter, the C.J.M., Nanded has decided to proceed under Section 200 of the Code of Criminal Procedure. The petitioner has got still doors open for him to establish his case prima facie, so that the Magistrate can consider issue of process. At this premature stage there is no reason for this Court to interfere in the matter, when C.J.M., Nanded has opted for one of the options and for reasons recorded Sessions Court has rejected Revision.

4. There is no substance in the writ petition. Same is rejected.

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

SSD