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

**CRIMINAL WRIT PETITION NO. 459 OF 2003**

Dnyandeo Ambuji Avhad

..PETITIONER

VERSUS

Rambhau D. Thorat & ors.

..RESPONDENTS

Mr K. C. Sant, Advocate for petitioner;

Ms R. P. Gaur, Addl. Public Prosecutor for respondent No. 3

**CORAM : N.W. SAMBRE, J.**

**DATE : 26th April, 2016**

**ORAL ORDER :**

The complaint, being Regular Criminal Case No. 352 of 1998 filed by the petitioner-complainant, came to be dismissed by an order dated 27<sup>th</sup> September, 2002, passed by the learned 5<sup>th</sup> Judicial Magistrate First Class, Ahmednagar, without awaiting the report called from the investigating officer. The Criminal Revision No. 278 of 2002, filed against the said order has suffered same fate, as is apparent from the order passed by the learned 3<sup>rd</sup> Ad-hoc Additional Sessions Judge, Ahmednagar, by his order dated 26<sup>th</sup> August, 2003.

2. While questioning the legality of the order, though Mr Sant would submit that there is a substance in the matter that the Magistrate should have waited for the report of investigating officer, however, having regard to

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the fact that the alleged incident is of year 1995 and the petitioner is already retired from the services, in my opinion, no case for interference in extra-jurisdiction is called for.

3. The above referred view taken by this Court, having regard to the allegations in the complaint case made by petitioner against public servant.

4. As such, petition stands disposed of with above observations.

**(N.W. SAMBRE, J.)**

sjk