

(1)

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

CRIMINAL WRIT PETITION NO. 1115 OF 2014

Smita d/o Sundarsing Tehara,
Age: 28 years, Occu: Advocate,
R/o. Near to the Rest House, Nanded,
Tq. & Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Shivajinagar
Police Station, Nanded,
Tq. & Dist. Nanded
2. Satyandrasingh s/o Govindsing Tehara,
Age: Major, Occu: Business
3. Shivrajsing s/o Babusing Tehara,
Age: Major, Occu: Business
4. Sujitsing s/o Vijaysing Tehara,
Age: Major, Occu: Business
5. Sonusing s/o Govindsing Tehara,
Age: Major, Occu: Business
6. Anandsing s/o Sonusing Tehara,
Age: Major, Occu: Business
7. Sureshsing s/o Govindsing Tehara,
Age: Major, Occu: Business
8. Ankitsing s/o Anandsing Tehara,
Age: Major, Occu: Business,

All respondent Nos. 2 to 8,
R/o. Gadipura, Nanded,
Tq. & Dist. Nanded

..RESPONDENTS

Mr V. B. Dhage, Advocate for petitioner;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent No. 1

(2)

CORAM : N.W. SAMBRE, J.**DATE : 21st April, 2016****ORAL ORDER :**

The petitioner is questioning the order 19th June, 2014, passed by learned Sessions Judge, Nanded, in Criminal Revision No.67 of 2013, whereby the order dated 13th May, 2013, passed by learned 4th Judicial Magistrate First Class, Nanded, in Criminal Misc. Application No.194 of 2013, came to be set aside. By the order dated 13th May, 2013, the learned Magistrate had directed the police to investigate into the matter and submit report under section 156 (3) of the Code of Criminal Procedure, pursuant to a complaint preferred by the petitioner.

2. While questioning the legality of the order of the revisional court, Mr Dhage, learned Counsel appearing on behalf of the petitioner would urge that the revisional court has exceeded its jurisdiction in entertaining and allowing the revision, as the scope for interference in the revisional jurisdiction is very limited. According to him, no case either for failure to exercise the jurisdiction or exceeding the jurisdiction, was made out before the revisional court. While taking me through the complaint, learned Counsel submits that the complaint contains detailed narrations as regards the alleged incident, which was formed to be the basis for offences punishable under sections 447, 427, 504, 506 read with section 34 of the Indian Penal Code. According to him, the Magistrate had rightly passed the order pursuant to the provisions of section 156 (3) of the Code of

(3)

Criminal Procedure.

3. I have perused the contents of the complaint preferred by the present petitioner. Upon perusal of the contents of the complaint, it is required to be noted that the complaint is vague in nature. There are hardly any pleadings so as to satisfy the ingredients of the offences punishable under sections 447, 427, 504, 506 read with section 34 of the Indian Penal Code. Apart therefrom, it is required to be noted that the Magistrate, by a cryptic order, without any application of mind and reasons has proceeded to issue an order under section 156 (3) of the Code of Criminal Procedure, at the behest of the petitioner on 13th May, 2013, which was rightly set aside by the revisional court. The revisional court was conscious of the pleadings in the complaint and it is upon appreciation thereof has formed an opinion that the complaint is vague.

4. In view thereof, in my opinion, no case for interference in extraordinary jurisdiction is made out in the present case. Thus, Criminal Writ Petition stands dismissed.

(N.W. SAMBRE, J.)

amj