

(1)

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

CRIMINAL WRIT PETITION NO. 1133 OF 2014

Sayed Hussain @ Parvez
S/o Sayed Nazir Hussain Jafari ..PETITIONER

VERSUS

Shahaji s/o Ramrao Nandure & anr. ..RESPONDENTS

WITH

CRIMINAL WRIT PETITION NO. 1134 OF 2014

Sayed Hussain @ Parvez
S/o Sayed Nazir Hussain Jafari ..PETITIONER

VERSUS

Shahaji s/o Ramrao Nandure ..RESPONDENT

WITH

CRIMINAL WRIT PETITION NO. 1135 OF 2014

Sayed Hussain @ Parvez
S/o Sayed Nazir Hussain Jafari ..PETITIONER

VERSUS

Shahaji s/o Ramrao Nandure & anr. ..RESPONDENTS

WITH

CRIMINAL WRIT PETITION NO. 1137 OF 2014

Sayed Hussain @ Parvez
S/o Sayed Nazir Hussain Jafari ..PETITIONER

VERSUS

Shahaji s/o Ramrao Nandure ..RESPONDENT

Mr A. S. Bajaj, Advocate for petitioner

(2)

CORAM : N.W. SAMBRE, J.

DATE : 21st April, 2016

ORAL ORDER :

Heard Mr Bajaj, learned Counsel appearing on behalf of the petitioners at length.

2. These petitions are with a prayer for enhancement of sentence as was ordered by the learned Chief Judicial Magistrate, Aurangabad, in Summary Criminal Case No.80101 of 1999, against which Criminal Revisions preferred by respondents – accused came to be allowed by the learned Additional Sessions Judge-3, Aurangabad, by common judgment and order dated 21st April, 2014.

3. According to the learned Counsel appearing on behalf of the applicants, this Court, in its extraordinary jurisdiction, must show indulgence by reversing the finding of acquittal and by enhancing the sentence.

4. Learned Addl. Public Prosecutor opposed the application on the ground that once the accused is acquitted by the learned Additional Sessions Judge, the remedy that lies against acquittal to a complainant is to question the acquittal and not to seek enhancement of sentence. He would then submit that the record depicts that leave to appeal filed by the petitioner, vide Criminal Application Nos.4407 to 4410 of 2014 are already rejected by this Court by order dated 9th February, 2016.

(3)

5. In the above background as is brought on record by the learned Addl. Public Prosecutor, in my opinion, no interference is warranted in the present petitions. Thus, Criminal Writ Petitions fail and stand dismissed.

(N.W. SAMBRE, J.)

amj