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

CRIMINAL WRIT PETITION NO.1410 OF 2014

Dr. Anil s/o Keshavrao Kanhe,
Secretary, Laxmibai Kanhe Patil Seva
Bhavi Sanstha, Parbhani

..PETITIONER

VERSUS

The State of Maharashtra & ors.

..RESPONDENTS

Mr V.P. Latange, Advocate for petitioner;
Ms R.P. Gaur, Addl. Public Prosecutor for respondent no.1

CORAM : N.W. SAMBRE, J.

DATE : 26th April, 2016

ORAL ORDER :

Heard.

2. Learned Judicial Magistrate First Class, Aundha Nagnath, by an order dated 19th July, 2013, has directed to send the complaint to the police station and call report under section 156 (3) of the Code of Criminal Procedure against accused nos.2 to 13. Accused no.1 is claimed to be Tahsildar, whereas accused nos.14 to 20 are the subsequent purchasers of the property in question.

3. The said order of non-issuance of process against accused no.1 Tahsildar and accused nos.14 to 20 who are subsequent purchasers, was questioned in Criminal Revision No.19 of 2013. Learned Additional

(2)

Sessions Judge, Basmath, by an order dated 19th August, 2014, has dismissed the said revision. Thus, the present petition.

4. Mr Latange, learned Counsel appearing on behalf of the petitioner would submit that though there was registered lease deed in favour of the petitioner, still the Tahsildar has refused to mutate his name. He would submit that though accused nos.14 to 20 were aware about the illegality of accused nos. 2 to 13, still have purchased the property in question.

5. With the assistance, I have perused the contents of the complaint and the orders passed by the Courts below.

6. *Prima facie*, it is noted that the dispute appears to be civil in nature.

7. Apart from above, learned Additional Sessions Judge has given sufficient reasons for affirming the order of the learned Magistrate, as the subsequent purchasers, i.e. accused nos.14 to 20 *prima facie* appear to be not connected with the crime in question. Accused no.1 is a public servant.

8. In view of above background, no interference is called for in extraordinary jurisdiction. Thus, Criminal Writ Petition stands dismissed.

(N.W. SAMBRE, J.)

amj