

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

**CRIMINAL WRIT PETITION NO. 1353 OF 2016
WITH
CRIMINAL WRIT PETITION NO. 1359 OF 2016**

Bhagwat s/o. Narayan Bembade .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.S.N. Lale Yelwatkar, Advocate for the petitioner.
Mr.A.R. Kale, A.P.P. for respondent/State.

**CORAM : Z.A. HAQ, J.
DATED : 29.11.2016**

P.C. :-

1. Heard. The petitioner takes exception to the order passed by the Sessions Court by which the revision applications filed by respondent No.2 - Shivaji Narayan Bombade are allowed and order passed by the learned Magistrate directing investigation under section 156(3) of Criminal Procedure Code is set aside.

02. After examining the evidence on record, the learned Additional Sessions Judge has concluded that two complaints filed by the applicant against non-applicant No.2 (who is brother of the applicant) are not maintainable and therefore the order passed by the learned Magistrate on that complaints directing

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investigation under section 156(3) of the Criminal Procedure Code is not sustainable.

03. The learned Additional Sessions Judge has properly appreciated the facts and the legal position and the impugned order is proper and cannot be faulted with. The writ petitions are dismissed. No costs.

[Z.A. HAQ, J.]