

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

CRIMINAL WRIT PETITION NO. 1365 OF 2016

Bajirao Jago Patil	..	Petitioner
Versus		
The State of Maharashtra & Ors.	..	Respondents

Mr.S.S. Deve, Advocate for the petitioner.
Mr.A.R. Kale, A.P.P. for the respondent/State.

CORAM : Z.A. HAQ, J.
DATED : 07.12.2016

P.C. :-

. Heard Mr.S.S. Deve, Advocate for the petitioner and Mr.A.R. Kale, A.P.P. for respondent Nos.1 & 2. Respondent No.3 filed R.C.S. No.134 of 2008 before the Trial Court in which an application (Exh.47) was filed by him seeking permission to amend the plaint to add certain parties and properties. The Trial Court rejected the application. However, this Court in Writ Petition No.6950 of 2011 remitted the matter and directed the Trial Court to consider the application (Exh.47) afresh. The Trial Court by order dated 22.11.2015 allowed the application. It is the contention of the petitioner that while carrying out the amendment, the Advocate for the respondent No.3 added two more properties in respect of which the amendment was not granted. The submission on behalf of the petitioner is that carrying out the amendment to incorporate two more properties in respect

of which the amendment was not allowed, amounted to offence under section 456, 466, 468, 470, 471, 477 read with section 34 of the Indian Penal Code. The petitioner filed application before the learned Magistrate praying that the investigation under section 156(3) of the Cr.P.C. be directed. The learned Magistrate passed order on 17.12.2015 and directed investigation under section 156(3) of the Cr.P.C. Respondent No.3 challenged this order in Revision before the Sessions Court, which is allowed by the impugned judgment.

02. After going through the documents placed on the record of this petition, I find that the learned Sessions Judge has properly adverted to all the relevant aspects. There is nothing on record to point out that the Civil Court proceeded and passed certain order prejudicial to the interests of the petitioner, on the basis of the amendment which was carried out though not permitted by the Trial Court. It is undisputed that the unwanted amendment which was carried out was immediately deleted, under the orders of the Trial Court. In the above circumstances, I am not inclined to entertain the petition. The petition is dismissed. No costs.

[Z.A. HAQ, J.]