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

CRIMINAL REVISION APPLICATION NO.224 OF 2016

Bhika s/o Kaduba Shingare,
Age: 52 years, Occ: Agri.,
R/o. Kandari (Bk), Tq. Badnapur,
Dist. Jalna & ors. ..APPLICANTS

VERSUS

The State of Maharashtra ..RESPONDENT

Mr R.S. Shinde, Advocate for applicants;
Mr K.D. Munde, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th OCTOBER, 2016

ORAL ORDER :

Learned Sessions Judge, Jalna in Criminal Appeal No. 28 of 2015 set aside the order passed by learned Judicial Magistrate, First Class, Badnapur acquitting the accused for an offence punishable under Sections 420, 465, 466, 467, 468, 469, 471 read with Section 34 of the Indian Penal Code.

2. The prosecution case as reflects from the judgment of the trial Court is, the complainant claims that one Santu Mohan Shingare owned land of

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18 gunthas out of Gat No. 109 at village Kandari Bk. It is claimed that his wife Ramkunvarbai got executed deed in her favour by transferring the said land and accordingly, carried out the change in the mutation entries.

3. After the complaint was lodged to that effect, Crime No. 126 of 2015 was registered and trial was set in motion.

4. It is then to be noted that in the trial Exhibit-87 and 93 were moved for placing on record additional documents. Learned Magistrate has allowed the application Exhibit-93, however, no order was passed on Exhibit-87. The Magistrate then noted that except one witness, there is hardly any material placed on record, even the complainant has not examined himself and as such, ordered acquittal.

5. While passing the order of remand on 13th September, 2016 in Criminal Appeal No. 28 of 2015, learned Sessions Judge, Jalna noted that there was no delay on the part of prosecution. Perusal of the

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judgment of learned Sessions Judge depicts that Exhibit-87 was not decided by learned Magistrate, however, Exhibit-93 was decided. Learned Sessions Judge noted that there was no reason to believe that the prosecution has delayed the trial.

6. Having perused both the judgments and having heard learned Counsel for the applicants-accused, it is required to be noted that learned Sessions Judge has narrated cogent reasons for ordering remand of the matter to learned Magistrate. It is then to be noted that the order is passed after perusing original record of the Court of the Magistrate and there are specific observations as regards non failure on the part of prosecution to conclude the trial.

7. In view thereof, in my opinion, no case for interference is made out. Criminal Revision Application, as such, fails and stands dismissed.

(N.W. SAMBRE, J.)