

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

Criminal Writ Petition No. 1511 of 2016

District : Latur

Daivashala w/o. Umakant Waghmare, Age : 48 years, Occupation : Household, R/o. Vijay Colony, Samarth Nagar, Latur, Taluka & Dist. Latur.	.. Petitioner (Original accused no.1)
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versus

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| <p>1. The State of Maharashtra.</p> <p>2. Subhash s/o. Sharnapur Utage,
Age : 48 years,
Occupation : Service,
R/o. Azad Chowk, Latur,
Taluka & Dist. Latur.</p> | <p>.. Respondents
(No.2 -
Original
complainant)</p> |
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Mr. V.D. Gunale, Advocate, for the petitioner.

*Mr. A.R. Kale, Addl. Public Prosecutor, for
respondent no.01.*

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CORAM : Z.A. HAQ, J.

DATE : 02ND DECEMBER 2016

ORAL ORDER:

Heard Mr. V.D. Gunale, learned Advocate for the petitioner, and Mr. A.R. Kale, learned Addl. Public Prosecutor for the respondent no.01 - State of Maharashtra.

02. The grievance of the petitioner is that the learned Magistrate passed the order on Criminal Misc. Application No. 629/2014, permitting the accused nos.01 and 02 to take the amount which was seized during investigation, without granting hearing to the present petitioner. It is further grievance of the petitioner that the Sessions Court has relaxed conditions by passing order in Criminal Revision No. 100/2014 again without notice to the petitioner and without hearing the petitioner. The petitioner prayed by the application (Exhibit No.46) filed before trial Court that the accused nos.01 and 02 be directed to deposit the amount withdrawn by them.

03. The petitioner accepted the order passed in Criminal Misc. Application No. 629/2014 and Criminal Revision No. 100/2014 and had not raised any challenge in the matter before appropriate forum at appropriate time. The grievance of the petitioner made now vide application (Exhibit No.46) cannot be entertained. The learned Magistrate has rightly dismissed the application. I see no reason to interfere in the matter.

04. The Writ Petition is dismissed. No costs.

(Z.A. HAQ)
JUDGE

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