

(1)

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

CRIMINAL WRIT PETITION NO. 1558 OF 2014

Bhausahab Dattatraya Pandhare & ors. ..PETITIONERS

VERSUS

The State of Maharashtra & ors. ..RESPONDENTS

Mr E. S. Murge, Advocate for petitioners;
Mr R. V. Dasalkar, Addl. Public Prosecutor for respondent No. 1;
Mr S. V. Suryawanshi, Advocate holding for Mr K. S. Bore, Advocate for
respondent Nos. 2 to 9

CORAM : N.W. SAMBRE, J.

DATE : 27th April, 2016

ORAL ORDER :

The present petitioners are seeking directions from this Court to club cases filed against them bearing S.C.C. Nos. 193/2006, 194/2006, 195/2006 and 196/2006 with S.C.C. No. 1015/2003, pending before the learned Judicial Magistrate, Lohara, with the file of learned Judicial Magistrate First Class Omerga. Further a direction is sought to tag cases S.C.C. Nos. 1016/2003 & 1029/2003, pending before the learned Judicial Magistrate First Class, Omerga with that of above matters.

2. Learned Counsel appearing on behalf of the petitioners invites my attention to the order dated 23rd February, 2006, passed by this Court in Criminal Application No. 1773 of 2005, wherein this Court while making Rule absolute in terms of prayer clause 'B', directed that some of the

(2)

matters referred to in the prayer clause, be heard by the learned learned Judicial Magistrate First Class, Omerga.

3. He would then submit that, once a judicial verdict directs that the matters will be heard by the learned Judicial Magistrate First Class, Omerga, the application ought to have been granted by the Court below.

4. Learned Counsel appearing on behalf of the respondents opposed the present application on the ground that, the Criminal Application No. 1773 of 2005, is only in relation to some of the matters and now petitioners are trying to take disadvantage of the order dated 23rd February, 2006 referred supra and trying to extend the scope. He submits that, petition be rejected.

5. It is not in dispute that the allegations against the accused persons in above referred complaint are similar. Thus status of the complainant is also not disputed.

6. In view there-of, for the reasons stated in the order dated 23rd February, 2006, it will be appropriate, in my opinion, to allow present petition in terms of prayer clause 'A' and is accordingly allowed.

(N.W. SAMBRE, J.)

sjk