

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

CRIMINAL WRIT PETITION NO.1635 OF 2015

Murlidhar s/o Umbar Patil
and anr.

.. Petitioners

Versus

The State of Maharashtra
and anr.

..Respondents

Mr V.B. Patil, Advocate for petitioners
Mr N.T. Bhagat, A.P.P. for respondent No.1
Mr S.P. Shah, Advocate for respondent No.2

CORAM : N.W. SAMBRE, J.

DATE : 22nd March 2016

PER COURT

1. Having heard the learned Counsel for the respective parties, it is noted that the order of issuance of process passed against accused Nos.1 to 12 which is questioned in the present petition, came to be passed on 22nd December 2014 below Exh.1 in Cri.Misc. Application No.284 of 2014, by the learned Judicial Magistrate, First Class (Court No.2), Shirpur and was further confirmed in Criminal Revision No.30 of 2015 by the learned Additional Sessions Judge, Dhule on 17th November 2015.

2. Upon perusal of the order passed by learned Magistrate, it is clear that the order is non-speaking one and the satisfaction of the ingredients of the offences, as are narrated in the order of issuance of process is not at all recorded.

3. In view of law laid down by the Division Bench of this Court, particularly paragraphs 30, 32 and 35 in the matter of **State of Maharashtra Vs. Shashikant s/o Eknath Shinde**, reported in **2013 ALL MR (Cri) 3060**, in my opinion, it will be appropriate to quash and set aside both the orders, impugned herein.

4. As such, the order dated 22nd December 2014 passed below Exh.1 in Cri.Misc. Application No.284 of 2014, by the learned Judicial Magistrate, First Class (Court No.2), Shirpur and confirmed in Criminal Revision No.30 of 2015 by the learned Additional Sessions Judge, Dhule on 17th November 2015 are hereby quashed and set aside.

5. The parties hereto agree that they shall appear before the learned Judicial Magistrate, First Class, Shirpur on 16th April 2016 and the learned Magistrate shall, upon considering the observations made by the Division Bench of this Court in the matter of State Vs. Shashikant (cited supra) shall pass speaking order in the matter.

6. Criminal Writ Petition, as such stands allowed in above terms.

(N.W. SAMBRE, J.)

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