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FARAD CONTINUATION SHEET No.IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION No.1140 OF 2015

WITH

CRIMINAL APPLICATION No.1141 OF 2015

Office Notes, Office Memorandum of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Umesh Waydande i/by Jay & Co. Advocate for the Applicant.

Mr. Harshad Bhadbhade, Advocate for R.No.1.

Mr. S.S.Redekar, Advocate for R.No.1 in APL 1141/15.

Mr. K.B.Dighe, Advocate for R.No.3.

Smt. M.R.Tidke, APP for the State.

CORAM : A.S.GADKARI, J.

DATE : 30th June, 2016

P.C.

- 1) The applicants have challenged the order dated 6.10.2015 passed below Exh.4 in Criminal Revision Application No.247 of 2015 and 248 of 2015 respectively by the learned Additional Sessions Judge-8, Nashik, granting stay to the order dated 11.9.2015 passed by the learned Magistrate. By the said orders dated 11.9.1995, the concerned learned Magistrate has passed an order under Section 156(3) directing investigation in to the allegations made by the petitioner in the complaint.
- 2) By the present application under Section 482 of the Code of Criminal Procedure, 1973, the applicants have questioned the jurisdiction of the revisional Court inter-alia contending that revision against the

order passed by the trial Court under Section 156(3) of the Code of Criminal Procedure, 1973 before the Sessions Court is not maintainable. That is the prime contention of the applicants. The Division Bench of this Court in the case of **Avinash Trimbakrao Dhondage v. State of Maharashtra reported in 2015(3) ABR (Criminal) 901** has held that an order passed under Section 156(3) of the Cr.P.C. is not an interlocutory order but a final order terminating the proceedings under Section 156(3) of the Code and that the revision under Section 397 or 401 of the Code would lie. In view of the ratio laid down by the Division Bench of this Court, revisions preferred by the respondent nos.1 to 3 before the Sessions Court are maintainable.

3) In view of above, I see no merit in the applications. Applications are, accordingly, dismissed.

(A.S. GADKARI, J.)