

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Criminal Writ Petition No.724 of 2016
[Vikrant s/o Pralhadrao Kate v. Kashmira d/o Ranjeet Patil and another]

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri S.C. Chande, Advocate for Petitioner.

Shri Sunil Manohar, Senior Advocate, assisted by
S/Shri N.A. Gaikwad and R.V. Malviya, Advocates for
Respondent No.1.

Smt. Sangeeta S. Jachak, Additional Public Prosecutor for
Respondent No.2.

Coram : R.K. Deshpande, J.

Date : 5th October, 2017

The issuance of process of the Judicial Magistrate First Class, Akola, in Criminal Case No.(SCC) 487 of 2015 in a complaint under Section 500 of the Indian Penal Code was the subject-matter of challenge in Criminal Revision No.122 of 2015, which is dismissed on 21-7-2016. Hence, this petition.

The contention raised by Shri Chande, the learned counsel appearing for the petitioner, is that the case is covered by Exceptions 3, 9 and 10 to Section 499 of the Indian Penal Code. It is a matter of evidence, and the Revisional Court has observed in para 9 of its judgment as under :

“9. ... Record of the Trial Court also reveals that the learned Judicial Magistrate had not only gone through the contents of the complaint and the documents, but thereafter had also passed an order to conduct inquiry under 202 of the Code of Criminal Procedure. Not only this learned Judicial Magistrate had thereafter come to the conclusion that prima-facie case was made out against the accused. From the aforesaid facts the impugned order which is self speaking, it is clear that the learned Judicial Magistrate had applied his mind not only to the contents of complaint, but also to the other documents. In view of this fact contention raised by the learned Advocate for petitioner that there was no prima-facie case made against the accused, is devoid of any substance.”

I do not find any reason to interfere in the order impugned. The petition is dismissed.

Judge.