

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRI. WRIT PETITION NO. 5093 OF 2017

Shri Mehboob Abdulgaffar Shaikh ... Petitioner.

V/s.

Shri Murad Madadali Patel & Anr. ... Respondents.

Mr. Sachin B. Thorat, Advocate for the Petitioner.

Mr. H. J. Dedhia, APP for the State.

CORAM : REVATI MOHITE DERE, J.

DATE : FEBRUARY 21, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this petition, the petitioner has impugned the order dated 30.08.2017 passed by the learned Sessions Judge, Sangli in Criminal Revision Application No. 26 of 2015, by which the Respondent No. 1's (original complainant) revision application was allowed and the order dated 09.05.2014 passed by the learned 2nd Joint Civil Judge, Junior Division & Judicial Magistrate, First Class, Vita, below Exh. 50 in Regular Criminal Case No. 29 of 2013, discharging the accused, was set aside and the petitioner/accused was directed to face

prosecution. It is not in dispute, that charge has been framed in the said case on 20.03.2013 and a witness has been examined.

3 The impugned order dated 30.8.2017 is a reasoned order and as such no interference is warranted. The learned Sessions Judge has rightly set aside the order dated 09.05.2014 passed by the learned J.D.& J.M.F.C., Vita, below Exh. 50 in Regular Criminal Case No. 29 of 2013, by which the petitioner was discharged from the said case, as the learned Magistrate had allowed the application (seeking discharge), much after the charge was framed and one witness was examined in the year 2013. The impugned order is neither perverse nor can it be said to be unreasonable, warranting interference in the writ petition.

4 Accordingly, the writ petition is dismissed. Needless to state, that the trial court shall conduct the case on its own merits, uninfluenced by any of the observations made by this court in this order.

(REVATI MOHITE DERE, J.)

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