

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

Criminal Application (APL) No. 954 of 2018
Ravindra and anr v. Gram Panchayat

Shri R. M. Vaidiya, Advocate for applicants

Coram : S. B. Shukre, J
Dated : 24th October 2018

P.C.

Heard. Applicants are seeking to quash the proceedings in Misc. Cri. Case No. 93 of 2018 pending before the Court of Judicial Magistrate, FC, Sakoli. Applicants are not seeking to quash any notice issued in these proceedings, although I find it necessary. The applicants have also not filed any application before the trial Court taking objection as to the maintainability of the proceedings. It is stated on behalf of the applicants that reply has been filed in which defence has been taken by submitting that criminal proceedings are not maintainable and now, the matter has been fixed for evidence.

In the circumstances, I am of the view that now the applicants would have to await the decision of the learned Magistrate on merits of the case. The applicants can also have liberty alternatively to file separate application before the trial Court taking exception to the maintainability of the proceedings.

In view of the above, this application being not maintainable, is dismissed. Liberty, however, is granted to the applicants to file specific application before the trial Court questioning maintainability of the proceedings and if such objection is

taken by moving a separate application, the trial Court shall decide the same first after giving adequate opportunity of hearing to both the sides, in accordance with law. Disposed of accordingly.

JUDGE

joshi