

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

WRIT PETITION NO.4394 OF 2017

Mr.Sanjay Ramniwas Goel

...Petitioner

Versus

The State of Maharashtra & Anr.

...Respondents

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Mr. Niranjan Mundargi I/b. Mr.Yogesh R. Israni for the Petitioner.
Mrs.G.P.Mulekar, APP for Respondent No.1-State.
Mr.Suresh Kumar a/w. Ms.Priyanka Tiwari, Ms.Smita Thakur,
Ms.Mohinee Chaugule and Ms.Sumandevi Yadav for Respondent
No.2.

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**CORAM : S.S.SHINDE J.
DATE : 4 JULY 2019**

P.C.:

1. Heard learned Counsel appearing for respective parties.
2. For a considerable period perused the impugned judgment passed by the learned Sessions Judge, Gr. Bombay in Criminal Revision Application No. 123 of 2017. In paragraph Nos. 1 to 7 of the impugned judgment, the learned Sessions Judge was pleased to reproduce the facts and arguments advanced by the parties and

without assigning any reasons on merits, in paragraph No. 8 of the impugned order, the learned Sessions Judge has observed that, it cannot be said that there was no *prima facie* material and thus the order passed by the learned Magistrate cannot be said to be suffering from the vice of perversity and warranting interference in revisional jurisdiction.

3. By any standard, the reasons assigned by the learned Sessions Judge in paragraph 8 of the impugned judgment without touching to the contentions raised on merits, cannot be countenanced. When the applicant and respondents have put forth their contentions and argued the Revision Application on merits, it was incumbent upon the learned Sessions Judge to record the reasons, may be in brief. However, without recording any reasons, the Criminal Revision Application should not have been mechanically rejected by only observing that the order passed by the learned Magistrate cannot be said to be suffering from the vice of perversity and warranting interference in revisional jurisdiction. On aforesaid ground alone, the impugned judgment dated 21.09.2017 passed by the learned Sessions Judge, Gr. Bombay, is hereby quashed and set aside.

Criminal Revision Application is restored to its original file. The learned Sessions Judge is directed to hear and dispose of the said Revision Application on its own merits and in accordance with law as expeditiously as possible, however, within a period of four weeks from the receipt of this order.

4. Since this Court has directed the learned Sessions Judge to decide the Revision Application within a period of one month, further proceedings in C.C. No. 196/SW/2015 pending on the file of learned Additional Chief Metropolitan Magistrate, 38th Court, Ballard Pier, Mumbai shall remain stayed for a period of four weeks from today.

5. Needless to observe that parties shall extend full cooperation to the learned Sessions Judge in deciding the said Revision and the Sessions Court shall not grant unnecessary adjournments unless there is extraordinary or compelling reason for granting such adjournment.

6. Parties to cause their appearance before the Sessions Court, Mumbai on 11.07.2019.

7. It is made clear that, this Court has not entered upon contentions raised on merits. All the contentions raised on merits are left open to be agitated on merits before the Sessions Court.

8. Writ Petition is disposed of accordingly.

(S.S.SHINDE, J.)