

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

CRIMINAL WRIT PETITION NO.5684 OF 2018

Shobha Shamrao Kakade & Ors.

... Petitioners

Vs.

The State of Maharashtra & anr.

... Respondents

Mr.P.P. Deokar for the Petitioners

Ms.Veera Shinde, APP, for the Respondent – State

CORAM: Mrs.MRIDULA BHATKAR, J.

DATED: JANUARY 8, 2019

P.C.:

1. Upon urgent mentioning, taken on Production Board.
2. This petition is filed challenging the order dated 25.10.2017 passed by the learned Ad-hoc District Judge and Additional Sessions Judge, Baramati in Revision Application No.33 of 2017 wherein the order of issuance of process under section 120B, 427, 479, 442 of Indian Penal Code passed by the learned JMFC, Baramati in RCC No.460 of 2016, was challenged. The revision was dismissed and hence, this petition.
3. Learned Counsel for the petitioners has submitted that this pertains to possession of the premises for which the civil suit is

filed by the complainant and thereafter, he filed this criminal complaint. He further submits that when he filed the civil Suit, there was no criminal act committed by the petitioners. He relied on the sale deed between the petitioners and the earlier owners.

4. Perused the complaint; so also the order passed by the learned Sessions Judge. The complaint discloses the material to issue process under the relevant sections. The finding given by the learned JMFC cannot be faulted with. The documents relied on and the submissions is a defence of the petitioners which can be considered later but not at the stage of issuance of process. Hence, the petition is dismissed summarily.

(MRIDULA BHATKAR, J.)