

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

CRIMINAL WRIT PETITION NO. 204 OF 2019

Gajanan S/o Kisanrao Bhadke

..Vs..

State of Maharashtra and others

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

Court's or Judge's orders

Shri S.G. Malode, Advocate for the petitioner.
Mrs. S.S. Jachak, A.P.P for respondent Nos. 1 to 3 / State.
Shri R. Tajne, Advocate for respondent No. 4 and 5.
Shri S.S. Bhalerao, Advocate for respondent No. 6.
Shri D.M. Kale, Advocate for respondent No. 7.
Shri Bhushan Dafle, Advocate for respondent Nos. 10 to 15.

CORAM : Z.A. HAQ AND
PUSHPA V. GANEDIWALA, JJ

DATED : 20th SEPTEMBER, 2019

Heard.

The petitioner in this petition claims the
following relief :

*“issue appropriate writ, order or direction to
the respondent Nos. 1 to 6 to initiate criminal
prosecution for the offences punishable under Section
420, 408, 409, 468, 469, 471 read with 34 of IPC and so
also under the other relevant provisions of the IPC
against the respondent Nos. 7 to 15 on the basis of the
written complaints submitted by petitioner on
31.10.2017 before the respondent Nos. 2 to 6 and allow
this petition.”*

Learned Additional Public Prosecutor submits that for this relief, provision of Section 156(3) of the Code of Criminal Procedure is available as an equally efficacious remedy to the petitioner.

We find substance in this submission. It appears that the petitioner has approached this Court without first taking recourse to remedy as is available under law.

In that view of the matter, we are not inclined to consider this petition at this stage. Petitioner is at liberty to avail appropriate remedy as available under law, if so advised.

If the petitioner prefers an application within one month from today, the learned Judicial Magistrate shall decide the same within a period of three months thereafter.

JUDGE

JUDGE

D.S.Baldwa