

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

CRIMINAL WRIT PETITION NO.877/2019

Sau.Sunita Pundlik Gawali

..VS..

Bhagwan Sitaram Gaikwad and anr

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

Court's or Judge's Order

Shri R.J.Shinde, Counsel for the Petitioner.
Shri Sunil Shinde, Counsel for Respondent No.1.
Shri N.R.Rode, Addl.P.P. for Respondent No.2/State.

CORAM : V.M.DESHPANDE, J.

DATED : FEBRUARY 12, 2020.

1. Heard learned counsel Shri R.J.Shinde for the petitioner, learned counsel Shri Sunil Shinde for respondent No.1, and learned Additional Public Prosecutor Shri N.R.Rode for respondent No.2/State.

2. The petitioner herein filed a private complaint in the Court of learned Judicial Magistrate First Class (Court No.1), Washim in respect of occurrence dated 15.10.2016. In cause title of the private complaint itself it is stated that the complainant as well as respondent No.1 are resident of Yewati, Taluka Risod, District Washim. Learned Magistrate, in the said private complaint, registered as MCC No.58/2017, issued process against respondent No.1 for offences punishable under Sections 294, 323, 504, 354, and 506 of the Indian Penal Code. Felt aggrieved thereby, a

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revision was carried by respondent No.1 which was registered as Criminal Revision No.59/2017. The said revision was decided vide order dated 22.3.2018 by learned Additional Sessions Judge, Washim whereby the revision was allowed. Against the said, this criminal writ petition is filed.

3. It is not in dispute before this Court, as observed by learned Revisional Court in the impugned judgment, that both the complainant as well as respondent No.1 are resident of Yewati, Taluka Risod, District Washim which falls within jurisdiction of learned Judicial Magistrate First Class at Risod. Learned Revisional Court, therefore, in my view, rightly considered provisions of Section 202 of the Code of Criminal Procedure.

4. In this view of the matter and in view of fact that no enquiry was made by the Court before issuing process, no case is made out for interference with judgment of learned Additional Sessions Judge, Washim. The criminal writ petition is dismissed and disposed of accordingly.

JUDGE

!! BRW !!

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