

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

46 CRIMINAL WRIT PETITION NO.1225 OF 2021

**SATISH DANIAL BHALERAO
VERSUS
VAISHALI BHAUSAHEB WAGH AND ANOTHER**

...
Advocate for Petitioner : Mr. Tuwar Virendra h/f Mr.Wakale Shriraj R.
Advocate for Respondent Nos. 1 & 2 : Mr.Gatne Atul B.
...

CORAM : N.R. BORKAR , J.

DATE : 20th DECEMBER, 2021.

P. C. :

1. This petition takes an exception to the order dated 11.10.2017 passed by the learned Additional Sessions Judge, Ahmednagar in Criminal Revision No. 14 of 2012,

2. The petitioner herein had filed a complaint case against the present respondents for the offence punishable under Section 500 read with Section 34 of the Indian Penal Code (for short "I.P.C.") The learned Magistrate convicted the present respondents for the said offences and imposed the sentence of fine only of Rs.10,000/- ,

3. The petitioner had filed Revision against the said order of the learned Magistrate before the Sessions Court, challenging lenient sentence imposed by the learned Magistrate. The revisional Court

had dismissed the revision by the order impugned.

4. I have heard the learned counsel for the petitioner and the learned counsel for the respondent.

5. The learned counsel for the petitioner submits that the learned revisional Court dismissed the revision petition without hearing the petitioner. It is submitted that the learned Magistrate, considering the nature of the offence was not justified in imposing sentence of fine only. It is submitted that the matter be remanded back to the Revisional Court for deciding it afresh.

6. On the other hand, the learned counsel for the respondents submits that the learned Magistrate had recorded the reasons for imposing the sentence of fine only. It is submitted that the revisional Court, after considering the said reasons declined to interfere with the order of the learned Magistrate. It is submitted that the petition be dismissed.

7. The learned Revisional Court has observed that the revision is pending for hearing since 2013, but both parties are not appearing in the matter and not conducting the hearing in spite of sufficient opportunities.

8. The learned Revisional Court then after examining the record and proceedings declined to interfere with the order of the learned Magistrate.

9. Admittedly the incident took place in the year 2007. The revision which was filed in the year 2012 was not prosecuted with required seriousness. Even, after dismissal of revision petition in the year 2017, the present petition came to be filed in the year 2021. Considering these facts and circumstances, I am not inclined to interfere with the order impugned. The petition is dismissed.

(N.R. BORKAR)
JUDGE