

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

CRIMINAL WRIT PETITION NO. 157 OF 2016

Chandsab Khajamiya Kureshi and Others ..PETITIONERS

VERSUS

State of Maharashtra and Another ..RESPONDENTS

**WITH
CRIMINAL WRIT PETITION NO. 623 OF 2016**

Kondiba Nivruti Londhe
(Died) Through L.Rs.
Kalawati Kondiba Londhe and Others ..PETITIONERS

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. P.N. Muley, Advocate for petitioners in WP/157/16 and for respondent nos. 2 to 4 in WP/623/16
Smt. D.S. Jape, A.P.P. for respondent no.1 – State
Mr. S.Y. Mahajan, Advocate for respondent no.2 in WP/157/16 and for petitioners in WP/623/16

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**CORAM : R.G. AVACHAT, J.
DATED : 29th MARCH, 2022**

PER COURT :

1. The challenge in both these petitions is to the order passed by the learned Judicial Magistrate First Class, Tuljapur dated 22nd October, 2013 of issuance of process under Sections 447, 323, 504, 506 read with Section 34 of the Indian Penal Code and refusal to issue process for the offences under

Section 3(1)(iv)(x)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 respectively.

2. Learned counsel placed on record order dated 10th November, 2017 passed by the learned Judicial Magistrate First Class, Tuljapur, whereby the complaint came to be dismissed for want of prosecution. The order reads thus :-

“The complainant is absent since long. Thereafter, no steps has been taken. The case was posted for dismissal order on 08.11.2017. The order is passed below Exh.1 and matter is kept for dismissal order. Today also, the complainant and his counsel are absent. This conduct of the complainant shows that he is not interested to proceed further. Hence, matter is dismissed for want of prosecution. Hence, accused are discharged u/s 256 of Cr.P.C. Their bail bond stands cancelled.”

3. As such, both these petitions became infructuous, and therefore, stand disposed of.

(R.G. AVACHAT, J.)

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