

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

CRIMINAL WRIT PETITION NO. 1285 OF 2021

Rajkumar Motillal Munot

..PETITIONER

VERSUS

Taradevi Ratanlal Bafna and Others

..RESPONDENTS

....

Mr. D.D. Pande, Advocate for petitioner

Mr. S.P. Sonpawale, A.P.P. for respondent no.2 - State

....

CORAM : R.G. AVACHAT, J.

DATED : 28th APRIL, 2022

PER COURT :

1. Heard.

2. The challenge herein is to the order of issuance of process for the offence under Section 420 read with Section 34 of the Indian Penal Code in a case instituted otherwise than on police report. As such, the procedure for trial for such case has been prescribed in Chapter XIX Part B of the Code of Criminal Procedure. Section 245(2) thereof speaks that nothing in that section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

3. As such, the petitioner herein can very well urge the concerned Magistrate for his discharge from the case. In view of the same, criminal writ petition stands dismissed.

(R.G. AVACHAT, J.)

SSD