

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

CRIMINAL WRIT PETITION NO. 1509 OF 2021

Mohammad Haji Rahimoddin

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. M.K. Bhosale, Advocate for petitioner

Mr. S.P. Sonpawale, A.P.P. for respondent no.1 - State

Mr. R.S. Deshmukh, Senior Advocate i/b Mr. A.D. Hande, Advocate for
Respondent No.12

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**CORAM : R.G. AVACHAT, J.
DATED : 31st JANUARY, 2022**

PER COURT :

1. Heard.

2. The challenge in this petition is to order dated 08th December, 2021 passed by the learned Sessions Judge in Criminal Revision Application No. 47 of 2021, thereby setting aside the order dated 07th June, 2021 passed by the learned Magistrate rejecting the application of present Respondent No.2 – original applicant, moved under Section 156(3) of the Code of Criminal Procedure.

3. The order passed by the learned Magistrate was in favour of the petitioner herein. He was a party to the revision application. Learned

Sessions Judge, however did not issue him notice for being heard before the impugned order was passed.

4. As such, the order impugned herein was passed without hearing the petitioner and same, therefore, needs to be set aside. Writ petition is, therefore, allowed in terms of following order :-

ORDER

- (i) Writ petition is allowed in terms of prayer clause [A].
- (ii) Criminal revision application is restored to the file of learned Sessions Judge, Nanded.
- (iii) The petitioner shall *suo moto* appear in the said proceeding on 14th February, 2022.
- (iv) Learned Sessions Judge is requested to decide the revision application on it's own merits, on hearing the parties thereto, expeditiously and preferably within a period of six weeks from 14th February, 2022.

(R.G. AVACHAT, J.)

SSD