

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

CRIMINAL WRIT PETITION NO.1506 OF 2021

**ANIL GANJIDHAR PAWAR
VERSUS
VAIBHAV SHARAD SONAWANE @ SONYA AND OTHERS**

Petitioner present in person
Mrs.G.L.Deshpande, APP for respondent no.8

**CORAM : R.G. AVACHAT, J.
DATE : JANUARY 25, 2022**

ORDER :-

Heard the petitioner appearing in person and learned APP
for respondent no.8.

2. The petitioner herein is the informant in R.C.C. No.278 of 2020. He had moved application (Exh.3) under Section 302 of the Code of Criminal Procedure, seeking permission to conduct the prosecution. The trial Court, on 23.11.2021, passed following order on the said application:-

“ Perused the application and say of learned APP. The present matter is initiated through production through concerned Police Station. However, the original informant is permitted to participate in the proceedings through learned APP only.”

3. Feeling aggrieved with the said order, the petitioner herein preferred a Revision Application before the Sessions Court, being Criminal Revision Application No.87 of 2021. Learned Addl. Sessions Judge was pleased to dismissed the same, upholding the order dated 23.11.2021 passed by learned Magistrate.

4. From the order impugned herein, it is evident that learned Magistrate has not given any reason for rejecting the application. There is record to indicate the petitioner to have been permitted to conduct the prosecution in some other case, in which he was informant. As such, it appears that he has experience and knowledge of the procedure and law as well, to conduct the prosecution. Since learned Magistrate has not passed any reasoned order, the matter requires to be remanded back to learned Magistrate for deciding it on its own merit and with a direction to pass a reasoned order.

5. In view of the above, the Writ Petition is allowed. The order dated 23.11.2021 passed below application (Exh.3) by learned Magistrate and the order dated 14.12.2021 passed in Criminal Revision Application No.87 of 2021 by learned Addl. Sessions Judge, Dhule, are hereby set aside. Learned Magistrate to

decide the application (Exh.3) on its own merit and pass a reasoned order.

6. The parties to act on authenticated copy of this order.

[R.G. AVACHAT, J.]

KBP