

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 300/2022

Ananda Totaram Damodar..Versus...State of Maharashtra and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. A.S.Londhe, Advocate for Petitioner
Mr. I.J.Damle, APP for respondent No.1.

CORAM : AVINASH G. GHAROTE, J.

DATE : 04/05/2022

Heard learned counsel for the parties.

The petition challenges the order dated 14.12.20 (page No. 36) passed by the learned JMFC, rejecting the application under Section 156(3) of Cr.PC as filed by the present petitioner and so also the judgment in revision dated 23.2.2022 (pg 50).

It is contended by the learned counsel for the petitioner that the averments in the application under Section 156(3) of Cr.PC. are different from the earlier Crime No. 176/2018 registered with Police Station, Ural, in respect of which RCC No. 152/2018 is pending before the learned Magistrate, inasmuch as the respondents 2, 4, 5 and 6 are not allegedly the party to the aforesaid crime. It is however material to note that FIR in Crime No. 176/2018 is not annexed to the present petition. The impugned order dated 14.12.20 as well as the judgment of the revisional Court

indicates that the foundation of the application under Section 156(3) of Cr.PC. filed by the present petitioner is same, as that of RCC No. 152/2018, which has been registered before the learned Magistrate consequent to FIR No. 176/2018. So also the present petitioner as well as Respondent No.4 - Shyam Ramdas Thombre are accused in RCC No. 152/2018. It is therefore clear that no fault can be found as regard the finding rendered by the Courts below that there cannot be two proceedings in respect of the same subject matter and the incident, which had led to the filing of FIR No. 176/2018, in view of which I do not find any fault with the impugned order and the judgment. The petition is therefore devoid of any merit and the same is dismissed.

JUDGE

Rvjalit