

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

CRIMINAL WRIT PETITION NO. 434/2022.

Sanjay Shriramji Pendharkar.

-VERSUS-

Vilas Shankar Danode.

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

Court's or Judge's Orders

Shri N.G. Jetha, Advocate for the Petitioner.

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CORAM : VINAY JOSHI, J.

DATE : JULY 07, 2022.

Heard.

2. The petitioner who is an accused in Summary Criminal Case No. 106/2018, has challenged the order dated 25.03.2022 passed on Exh.61, by which the learned Magistrate has declined to dismiss the complaint. The grievance of the petitioner is that the Magistrate has not conducted the enquiry in terms of Section 202 of the Code of Criminal Procedure, which is mandatory in nature. On said count the petitioner

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has applied to the Magistrate for dismissal of the complainant, but, under impugned order it was rejected.

3. It reveals from the impugned order, as well as, it is not in dispute that after issuance of the process, the petitioner has challenged the order of issuance of process by invoking the revisional jurisdiction of the Sessions Court. The petitioner failed and therefore, he had approached this Court, but, his petition appears to have been dismissed.

4. Already the petitioner has exhausted his remedy up to this Court by challenging the order of issuance of process, but, remained unsuccessful. Now under new ground the petitioner is attempting to re-agitate the same grievance in a different form by naming it to be an application for dismissal of the complaint. Having regard to the said fact, there is no reason to entertain the petition for the same cause. Hence, Writ Petition is dismissed.

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5. The objection regarding non-holding of enquiry under Section 202 of the Code is kept open.

JUDGE