

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

CRIMINAL WRIT PETITION NO.509 OF 2023

SOPAN RAMDAS KASAR
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Ms. Sakshi A. Kale, Advocate for the petitioner
Mr. S. W. Mundhe, APP for the respondent/State
Ms. S. G. Sonawane, Advocate for respondent No.2.

CORAM : R. M. JOSHI, J.

DATE : 18th OCTOBER, 2023

P.C. :-

1. Petition takes exception to the order dated 17/10/2019 passed by the learned Addl. Sessions Judge, Shrigonda in Criminal Revision Application No. 07/2019 (old Cri. Revn. Application No. 51/2013) on the ground that the petitioner was not heard as he was not joined as party respondent to the said proceeding.
2. Learned counsel appearing for the respondent No.2 though opposes this petition, however, she does not dispute the fact that the petitioner was made party in the said proceeding.
3. Thus, before passing the impugned order petitioner was not given an opportunity of hearing. There is no dispute about the fact that the revision application was filed against the dismissal of the complaint. In

such circumstances, it was incumbent part of the Revisional Court to hear the accused before passing any adverse order against him.

4. In view of this, impugned order can not sustain. Hence the petition is allowed. Impugned order is set aside. Criminal Revision Application No. 07/2019 (old Cri. Revn. Application No. 51/2013) is relegated back to the Addl. Sessions Court for decision afresh after hearing present petitioner. The Revisional Court to allow petitioner to be joined as party respondent. Both sides to appear before the learned Addl. Sessions Judge on 30th October, 2023. No separate notice to be issued to them. Since revision application pertains to the year 2013, the same be decided before 31st December, 2023 in accordance with law.

(R. M. JOSHI, J.)

ssp