

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

CRIMINAL WRIT PETITION NO.711 OF 2023

DISHANT RAJA SALVE  
VERSUS  
THE COMMISSIONER OF POLICE, AURANGABAD AND ANOTHER

Mr. S. S. Kulkarni, Advocate for the petitioner  
Mr. S. P. Sonpawale, APP for the respondent/State

**CORAM : R. M. JOSHI, J.**

**DATE : 4<sup>th</sup> NOVEMBER , 2023**

**P.C. :-**

1. This petition takes exception to the order dated 29<sup>th</sup> April, 2023 in RCC No. 369/2019. During the course of the hearing of the petition learned counsel for the petitioner states that the grievance of the petitioner will get redressed if learned Sessions Court is directed to comply with order passed in Criminal Writ Petition No. 550 of 2021 in letter and spirit.

2. Even impugned order passed by the learned Magistrate indicates that the Magistrate is not Trial Court. He is required to commit the case before the Sessions Court. It is rightly observed that under Section 209 of Cr.P.C. the entire record of the case including the documents and articles are to be sent to the committee. The Magistrate is therefore directed to commit the case the Sessions Court in RCC No. 369/2019.

3. The Sessions Judge who is assigned with the said case is hereby directed to comply with the direction issued by this court in Criminal Writ Petition No. 550 of 2021. Considering the apprehension of the petitioner with regard to the evidence so collected at his instance, the Sessions Judge is directed to comply order passed by this Court and take appropriate decision within a period of one month of the committal of case.

4. Petition stands disposed of in above terms.

**(R. M. JOSHI, J.)**

ssp