

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

CRIMINAL WRIT PETITION NO. 862 OF 2022

Anil Ganjidhard Pawar

.. Petitioner

Versus

Vaibhav Sharad Soawane @ Sonya
and others

.. Respondents

Mr. R. C. Bora, Advocate for the Petitioner.

Mr. P. N. Kutti, APP for Respondent Nos. 2 and 3.

CORAM : KISHORE C. SANT, J.

DATED : 06th APRIL, 2023.

P C. :-

. Heard learned advocate for the petitioner for some time.

2. The present petition is filed challenging an order passed by the learned Additional Sessions Judge, Dhule in Criminal Revision Application No. 33/2017 dated 23.04.2022 whereby, the revision application is dismissed wherein, challenge was to the order passed by the learned J.M.F.C. dated 07.02.2017 dismissing the complaint in view of Section 203 of the Code of Criminal Procedure.

3. The petitioner lodged a private complaint in the Court of learned J.M.F.C., Dhule bearing Criminal Misc. Application No. 949/2013. The learned J.M.F.C. pursuant to filing of the complaint recorded

verification of the petitioner on 01.04.2014 and also recorded a statement of witness on 17.04.2014 in addition to it. The Court was also pleased to issue summons to A.P.I., however, he could not be examined. After going through the evidence available on record, the learned J.M.F.C. formed an opinion that, no prima facie case is made out to proceed against the accused persons and dismissed the complaint.

4. The order passed by the learned J.M.F.C. came to be challenged by way of filing Criminal Revision Application No. 33/2017 in the Court of learned Sessions Judge, Dhule. The learned Additional Sessions Judge recorded that, the complaint was filed on 30.12.2013 in respect of the alleged incident that had taken place on 27.03.2011 that is after a gap of two and half years. Not a single independent witness was cited. It is observed that, the complainant had filed complaints against several persons. Though in the verification it was stated that, some non cognizable cases were filed by the complainant, however, the same were not produced on record and on this count dismissed the revision.

5. After hearing the arguments and going through the material along with petition and after hearing the learned A.P.P, this Court finds that, no case is made out calling for any interference at the hands of

this Court. Both the Courts below have rightly passed an order. No illegality or otherwise is pointed out by the learned advocate.

6. In this view of the matter, following order is passed.

7. The criminal writ petition stands dismissed.

(KISHORE C. SANT, J.)

PS.B.