



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

932 CRIMINAL WRIT PETITION NO. 1011 OF 2023

Gorakh Sitaram Waghmare

VERSUS

The State of Maharashtra and others

...

Advocate for Petitioner : Mr. N.S. Shah

APP for Respondent-State: Mr. V.K. Kotecha

Mr. V. P. Bakal, advocate, appointed to assist the Court

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**CORAM : R. G. AVACHAT AND
SANJAY A. DESHMUKH, JJ.
DATED : 20th DECEMBER, 2023.**

PER COURT :-

Heard.

2. Learned A.P.P. informs that the investigation of the crime is in progress and appropriate report would be filed. Since the F.I.R. is registered pursuant to the order passed under Section 156(3) of Cr.P.C. is not questioned in this proceeding, the other issues would be academic.

3. We have heard Mr. Bakal, learned advocate, appointed to assist us. Relying on the judgment of this court in the case of **Ajay Murlidharji Ladda vs. The State of Maharashtra and another** (Criminal writ petition No. 108 of 2021 decided on 21.10.2022) he would submit that it is only the special court which will be termed to be Magistrate's court for taking cognizance and for passing order

under Section 156(3) of Cr.P.C. However, since the F.I.R. registered pursuant to the said order is not challenged in this petition, we leave it to be decided in appropriate proceeding.

4. In view of the statement made by learned A.P.P. the petition stands disposed of.

5. We quantify the fees at Rs.15,000/- to be paid by the High Court Legal Services Sub Committee, Aurangabad to the learned advocate Mr. V.P. Bakal, appointed as amicus curiae.

(SANJAY A. DESHMUKH, J.)

(R. G. AVACHAT, J.)

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