

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

CRIMINAL WRIT PETITION NO. 1709 OF 2022

Chandrabai Madhavrao Kanthe (Warle)

.. Petitioner

Versus

Shankar Hanmant Patil and others

.. Respondents

Mr. Umakant B. Deshmukh, Advocate for the Petitioner.

Mr. Upendra B. Bilolikar, Advocate for Respondent Nos. 1, 2, 4 & 5.

Mr. P. M. Kulkarni, APP for Respondent Nos. 7 to 11.

CORAM : KISHORE C. SANT, J.

DATED : 13th APRIL, 2023.

P C. :-

. Learned advocate for the petitioner submits that the impugned order passed by the learned revisional Court holding that no revision petition is maintainable against the order passed by the learned Magistrate under Section 156 (3) of the Code of Criminal Procedure itself is against law laid down by this Court in the judgment reported in **2016 (1) Bom. C.R. (Cri.) 223** in the case of **Avinash Trimbakrao Dhongade Vs. State of Maharashtra and another** and in the similar case related in the judgment reported in **2018 (1) Bom. C.R. (Cri.) 502**. He also relies upon the judgment of this Court in Criminal Writ Petition No. 9/2020 dated 13.12.2022 in the case of **Keshav s/o Ganpat Bhagat Vs. Uddhav Dhondoji Mandade and others.**

2. Learned advocate Mr. Bilolikar for respondents fairly concedes the position.
3. In view of this, impugned order passed by the learned Additional Sessions Judge, Biloli in Criminal Revision Application No. 03/2016 dated 01.09.2022 is quashed and set aside. The matter is remanded back to the learned Additional Sessions Judge to decide the same on merits.
4. The Criminal Revision Application No. 03/2016 stands restored. The same be decided on its own merits as early as possible and preferably within a period of four (04) months from today.
5. The criminal writ petition stands disposed off.

(KISHORE C. SANT, J.)

PS.B.