

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

18 CRIMINAL WRIT PETITION NO.6 OF 2023

**SUNIL LALASAHEB DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. Sambhaji S. Wakure, Advocate for the petitioner
Mrs. D. S. Jape, APP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 07th FEBRUARY, 2023

P. C.

1. Heard the learned advocate for the petitioner and learned APP for the respondents/State.

2. The complainant had filed a complaint bearing RCC No.213/1997 in the court of CJM, Osmanabad against respondent Nos. 2 to 11 for the offences punishable under Sections 167, 177, 182, 403, 405, 406, 415, 417, 420, 463, 464, 465,. 468, 471 & 477(a) read with Section 34 of the Indian Penal Code. It is seen that no steps were taken by the petitioner and therefore, it was dismissed in default and accused were discharged by order dated 03-06-2011 by the learned CJM, Osmanabad. A Criminal Revision Petition No.88/2011 was preferred challenging the order of discharge by the petitioner.

Said criminal revision was allowed and the learned lower court was directed to re-register the RCC No. 213/1997 by order dated 09-08-2011.

3. In spite of restoration of the complaint it is seen that the petitioner was not vigilant and remained absent for long period and therefore, again the order came to be passed disposing off the complaint for want of prosecution by order dated 15-11-2019. The petitioner again preferred a revision bearing Criminal Revision Application No. 60/2019 in the court of learned Sessions Judge, Osmanabad. The learned Sessions Judge by considering the conduct of the petitioner and observing that complaint was posted for evidence of complainant since 1998 and several opportunities were given to the complainant to adduce his evidence and observed that still he failed to do so. Learned revisional court further dismissed the criminal revision holding that the learned Magistrate has rightly passed the order.

4. On going through the order and looking at the conduct of the petitioner, it seen that the learned court has not committed any irregularity or no perversity is found in the order. There is no substance in the petition. Hence, the same is dismissed.

[KISHORE C. SANT, J.]