

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL REVISION APPLICATION NO. 148 OF 2023

Nikhil Babasaheb Salve

..Applicant

Versus

Sunil Jagannath Jatak

..Respondent

Mr. Nikhil Salve, (Applicant in person) present.
Smt. M. R. Tidke, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.
DATE : 20 JUNE 2023

PC :

1. The Applicant has challenged the order dated 15/02/2023 passed by the Metropolitan Magistrate, 61st Court, Kurla, Mumbai in C.C.No.3366/MISC/2022 whereby the Applicant's complaint was dismissed U/s.203 of the Cr.p.c. The Applicant has challenged that order before this Court by way of present revision application.

2. The Sessions Court also has concurrent jurisdiction to decide this issue, therefore, as a sound practice, it is desirable if the Applicant exhausts that remedy before approaching this Court. The powers which this Court can exercise for deciding the criminal

revision application are similar to the powers of the Court of Sessions, as mentioned U/s.397, 399 and 401 of the Cr.p.c.

3. Considering the concurrent jurisdiction for deciding the revision application, the Applicant is permitted to withdraw this revision application and to file a fresh revision application before the appropriate Court of Sessions.

4. It is made clear that, in case, question of delay in filing the said revision application arises, the Sessions Court shall take into account the fact that the Applicant was pursuing remedy of revision application before this Court, diligently. All the questions raised in this revision application are left open to be decided by the Court of Sessions at the appropriate stage.

5. It is made clear that, this Court has not expressed any opinion on the merits of the matter. If such Revision application is filed, it shall be decided expeditiously. It shall be decided without being influenced by the fact that the present revision application is not entertained at this stage. The Court of Sessions shall decide such Revision Application in accordance with law.

6. With this observation and liberty, the revision application is disposed of.

(SARANG V. KOTWAL, J.)