

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

CRIMINAL WRIT PETITION NO.3059 OF 2023

Shantabai Mahadev Doke & Ors

...Petitioners

Versus

The State of Maharashtra & Anr

...Respondents

Mr. Raviraj R. Paramane, Advocate for Petitioners.

Mr. A.R. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 11th SEPTEMBER 2023

PC :

1. The Petitioners have challenged the order dated 25th April 2018 passed by the Judicial Magistrate First Class, Junnar in R.C.C. No.102 of 2018 issuing process against them under Section 323, 504, 506, 447 r/w 34 of Indian Penal Code. The Petitioners challenged the said order before the Sessions Court, Khed district Pune vide Criminal Revision Application No.11 of 2018. The learned Sessions Judge, Khed vide his order dated 5th May 2022 dismissed the Revision Application and, therefore, the Petitioners have preferred the present Writ Petition.

2. Heard Mr. Raviraj R. Paramane learned Counsel for the

Petitioners and Mr. A.R. Patil, APP for the State.

3. The complaint is filed by the Respondent No.2 herein. He has described the incident dated 22nd March 2018. At about 4:00 pm, he was working in his agricultural land bearing Gat No.578/2, village Otur, taluka Junnar, district Pune. At that time, the Petitioner No.3 came near him and threatened him. At the same time, the Petitioner No.4 Pankaj came there. He and the Petitioner No.3 Mahadev manhandled the Complainant and pushed him. He fell down. The Complainant-Respondent No.2 somehow saved himself. The Petitioner No.1 also came there. It is specifically mentioned that the Petitioner No.1 alongwith the other Petitioners i.e., Petitioner Nos.2, 3 and 4 abused the Complainant. The Accused threatened to break his hands and legs and also to commit his murder. They abused him in filthy language. The people who were in the vicinity came there and rescued him. On this basis, the FIR is lodged.

4. Learned Counsel for the Petitioners submitted that no specific role is attributed to the Petitioner No.2 Santosh. There are

general allegations against the Petitioners. There is a difference in the Gat number mentioned in the verification and in the complaint. He submitted that the learned Magistrate has not given sufficient reasons for issuing process. He relied on the observations of the Hon'ble Supreme Court in the case of **Lalankumar Singh and Ors. v. State of Maharashtra** as reported in **AIR 2022 SUPREME COURT 5151**. He submitted that if the reasons are not given by the Magistrate in the order issuing process, the order is required to be set aside.

5. I have considered these submissions. The complaint makes a specific reference of the Accused i.e., the Accused Nos.1 to 3 who are the Petitioners in the present Petition. Though no specific role is mentioned in the complaint, as far as the Petitioner No.2 Santosh is concerned, in the verification statement a specific role is attributed to the Petitioner No.2 Santosh as well. Even in the complaint there is a statement that the Petitioners Santosh, Mahadev and Pankaj alongwith Petitioner No.1 Shantabai abused the Complainant. The Accused threatened to commit his murder. The ingredients of all these Sections are made out. The learned

Magistrate has considered the complaint, the verification and the documents filed on record. He has given reasons that after perusing these documents these offences are specifically made out in the complaint. He has also observed that there are specific averments in the complaint in respect of the ingredients of the offences. Based on these reasons, the order of issuance of process is passed. The impugned order shows his application of mind and sufficient reasons are mentioned. At this stage, beyond these reasons nothing more is expected from the learned trial Judge. The learned Additional Sessions Judge has also taken the same view. I do not see any infirmity in both these impugned orders. Therefore, I am not inclined to interfere with both these orders. Hence I do not find any merit in the Writ Petition.

6. Accordingly, the Petition is dismissed.

(SARANG V. KOTWAL, J.)