



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION [APL] NO. 1348/2023.

Amarnath Shirishchandra Awasthi and others.

-VERSUS-

Smt. Priyanka Nilesh Tiwari and another.

CRIMINAL APPLICATION [APL] NO. 1350/2023.

Nilesh Sureshkumar Tiwari and others.

-VERSUS-

Smt. Priyanka Nilesh Tiwari and another.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri M. Shareef, Advocate for Applicants.

Shri M.J. Khan and Ms S. Haider, A.P.Ps. for Non-applicant
no.2 in both matters.

CORAM : VINAY JOSHI AND
VALMIKI SA MENEZES, JJ.

DATE : OCTOBER 11, 2023.

Heard.

2. Both applications raise challenge in
principal to the order of issuance of process dated
21.06.2022 passed by the Magistrate in Criminal
M.A.No.1467/2021.

3. The informant – lady has applied to the
Magistrate in terms of Section 156[3] of the Code
of Criminal Procedure seeking directions to the

Police to register the crime for the offence punishable under Sections 354, 392, 395, 506[B] of the Indian Penal Code. Though the request was made in terms of Section 156[3] of the Code, however, the Magistrate by taking cognizance has proceeded under Chapter XV of the Code by way of directing enquiry in terms of Section 202 of the Code. In pursuance thereof, an enquiry was conducted and on perusal of the enquiry report, the Magistrate thought it fit that there is sufficient material to proceed further with the offence punishable under Section 498-A read with Section 34 of the Indian Penal Code, hence, issued process in terms of Section 204 of the Code vide order dated 21.06.2022.

4. The order of issuance of process is squarely revisable in terms of Section 397 [1] of the Code, which remedy is available under the law to applicants. When the above position of law is expressed, the learned Counsel appearing for applicants seeks permission to withdraw both applications with liberty to file revision before the

Sessions Court, and also urged that the Sessions Court be directed to deal with the revision on merits, apart from the point of limitation.

5. In view of above, both applications are disposed of as withdrawn, with liberty as prayed for. If the revision petition is filed within a period of 7 days from today, then irrespective of the point of limitation the learned trial Court shall proceed in accordance with law.

JUDGE

JUDGE