



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

CRIMINAL WRIT PETITION NO. 48 OF 2024

ANAND KASHIRAM SAPKALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. Sumeet A. Sapkale, Advocate for the Petitioner

Mr. A.R. Kale, APP for Respondent Nos.1 & 2 – State

...

CORAM : NITIN B. SURYAWANSHI, J.

DATE : 24th JANUARY, 2024

PER COURT :

1. Petitioner is aggrieved by the orders dated 11/10/2023 and 18/10/2023 passed by learned Judicial Magistrate First Class, Jalgaon, in Criminal M.A. No.563/2023, thereby not acceding to the prayer of petitioner to issue direction to police station to register offence and investigate under Section 156(3) of the Code of Criminal Procedure.

2. Learned Magistrate had directed petitioner to file pursis within seven days if he wants to proceed with the complaint under Section 200 of Cr.P.C., otherwise the complaint would stand disposed of automatically.

3. Heard learned advocate for petitioner and learned Additional Public Prosecutor for State.

4. Learned advocate for petitioner states that petitioner

was not keeping well and his advocate was out of station for seven days, therefore, such pursis could not be filed.

5. This Court is of the opinion that petitioner can lead evidence under Section 200 and if trial Court is convinced then it may pass order to conduct inquiry under Section 156(3) of Cr.P.C.

6. In the result, writ petition is disposed of with directions to petitioner to file pursis and lead evidence before the trial Court. The time period of seven days granted by trial Court to file pursis is extended by two weeks from today.

(NITIN B. SURYAWANSHI, J.)