



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

7 CRIMINAL APPLICATION NO. 153 OF 2019

LALITA DEELIP INGALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Applicant : Mr. Bhapkar S.B.

APP for Respondent/State: Ms.Uma S. Bhosale

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CORAM : **SHIVKUMAR DIGE, J.**

DATE : 15th July, 2024.

P.C.:

1. By this application, the applicant is challenging the order dated 14th November, 2018 passed by the Additional Sessions Judge, Bhusawal in Criminal Revision Application no.62 of 2016 and the order dated 25th May, 2016 passed by the Judicial Magistrate, First Class No.2, Raver in Criminal Application No.357 of 2016.

2. It is contention of the learned counsel for the applicant that the applicant had filed private complaint against the respondents under sections 195, 196, 120B, 500 read with 34 of the Indian Penal Code, (for short, "I.P.C."). The learned counsel further submitted that the learned Judicial Magistrate, First Class, Raver, by order dated 14th March, 2016 has been pleased to return the complaint for presenting it in to proper Court as the offence under the provisions of the Protection of Children from Sexual Offences Act (For short, "POCSO Act") and triable by Special Court i.e. Sessions Court. The learned counsel further submitted that as per the said order, the said complaint was

presented before the Sessions Judge, Bhusawal. The said Court by its order dated 2nd April, 2016 has been pleased to return the complaint to the complainant by deleting section 22 of the POCSO Act and it was directed to present before the proper Court. Thereafter, the complainant presented the complaint before the Judicial Magistrate, First Class, Raver. After hearing the complainant, the Judicial Magistrate, First Class, Raver by its order dated 25th May, 2016 has been pleased to dismiss the complaint. Thereafter, the complainant preferred the criminal revision application no.62 of 2016 for setting aside the order passed by the Judicial Magistrate, First Class. The Sessions Judge, Bhusawal by its order dated 14th November, 2018 has been dismissed the said revision application. Against the said order, the applicant is before this Court.

3. It is contention of the learned counsel for the applicant that the Judicial Magistrate, First Class and Sessions Court have not considered the complaint in proper perspective. The orders passed by both the Courts are contrary to the provisions of the I.P.C. as well as Criminal Procedure Code, hence requested to allow the application.

4. Though the respondents served, none appear for the respondents. I am deciding this application on merits.

5. The learned APP for the respondent – State submits that the orders passed by both the Courts are legal and valid and no interference is required in it.

6. I have heard both the learned counsel. Perused the order passed by the learned Additional Sessions Judge, Bhusawal.

7. While passing the order, the Sessions Court has observed that on perusing the documents presented on record and after hearing the applicant, it has been transpired that the applicant has not shown as to how learned Court below has been failed to exercise its jurisdiction properly. All grounds and objections raised by the applicant in this Criminal Revision Application are not sustainable in the eye of law and facts of the case. It has been further observed that according to the provisions of section 195 of the Cr.P.C. the complaint in respect of offence punishable under sections 195 and 196 of the I.P.C. is required and necessary to be presented before the concerned Court or by the concerned officer of the Court in writing. The applicant has no locus standi to institute such complaint. There is express bar as per Section 195 of the Cr.P.C. This legal aspect is considered by the Court below in the impugned order, which is proper and no interference is required in it. I do not find any infirmity in it. The Sessions Court has passed the well reasoned order. It appears from record that private complaint was presented by the applicant against the State and other respondents in respect of the offences punishable under sections 195, 196, 120B, 500 read with 34 of the I.P.C. and for the offence punishable under section 22 of the POCSO Act, 2012. There is no locus standi to the applicant to file the complaint. I do not find any infirmity in the order passed by

the learned Sessions Judge and no interference is required in it.
Accordingly the application is dismissed.

[SHIVKUMAR DIGE, J.]

sga