

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO. 177 OF 2024

Kiran Patel and Ors. ...Applicants

vs.

State of Maharashtra and Anr. ...Respondents

Mr.Girish Kulkarni – Senior Advocate i/b. Mr.Maitreya Shukla:-	Advocates for Applicants.
Mr.V.N.Sagare:-	APP for Respondent No.1 -State.
Mr.Ashok Mundargi – Senior Advocate a/w Mr.Pranav Badheka, Mr.Aditya, Mr.Aditya Mithe and Mr.Himank Singh i/b. Desai and Diwanji:-	Advocates for Respondent No.2.

CORAM : S. M. MODAK, J.

DATE : 29th APRIL 2024

P. C. :-

1. Head learned Senior Advocate Shri.Kulkarni for the Applicants and learned Advocate Shri.Badheka for the contesting Respondent / Complainant.
2. There is a challenge to an order dated 13th December 2023

passed by the Court of Additional Sessions Judge – Thane (Page No.258). The said order was passed in a Revision filed by the Complainant. Certain directions were given to proceed under Section 156(3) of the Code of Criminal Procedure, 1973 (“Cr.P.C.”). Now, it is the turn of the proposed Accused to file this Revision Application.

3. On the last date, a statement was made that certain issues are pending before the Full Bench. Now, the Full Bench delivered a judgment and contention of learned Advocate Shri.Badheka is the issue involved in this Revision was not the issue involved before the Full Bench.

4. The grievances raised on behalf of the Applicants / proposed Accused are that the materials are not sufficient to order an investigation under that Section and second, if the first revisional Court is satisfied, then also direction under Section 156(3) of the Code cannot be issued but the issue has to be left for the decision of the trial Magistrate.

5. Let the parties may argue on this aspect on the next date. So, the statement made earlier to continue till next date.

6. Stand over to **25th June 2024.**

[S. M. MODAK, J.]