



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

CRIMINAL WRIT PETITION NO.48/2024.

Vinod Gajananrao Dattatraya.

-VERSUS-

State of Maharashtra and others.

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

Court's or Judge's Orders

Shri A. Deshpande, Advocate for the Petitioner.
Shri M.K. Pathan, A.P.P. for Respondent No.1.

CORAM : VINAY JOSHI AND
VRUSHALI V. JOSHI, JJ.

DATE : JANUARY 22, 2024.

Heard.

2. The petitioner has filed an application to the Magistrate in terms of Section 156[3] of the Code of Criminal Procedure, seeking directions to the police to register crime. The learned Magistrate after going through the contents of the application, documents tendered along with the same and considering the factual aspect, declined to issue directions under Section 156[3] of the Code, however, he permitted the petitioner to proceed further in terms of Section 200 of the

Code.

3. In short the Magistrate thought it fit that it is not a case of registration of crime, but, the application can be treated as a private complaint.

4. Though the petitioner was permitted to convert his application as a private complaint, he is aggrieved by the rejection of directions sought for under Section 156[3] of the Code. The said order could have been challenged in revisional jurisdiction before the Sessions Court, however, the petitioner has chosen to invoke writ jurisdiction of this Court. We are aware that alternate remedy does not preclude this Court from entertaining a writ, but, having regard to the available remedy and the course which was initially adopted by the petitioner, we are not inclined to entertain the writ petition. The same is disposed of accordingly.

5. We make it clear that the Sessions Judge shall deal with the revision on merits, irrespective of considering the point of limitation,

if the revision is filed within a period of two weeks
from today.

JUDGE

JUDGE