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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.134 OF 2020
(Nirmal Ramesh Kothari Vs. The State of Maharashtra and Another)

Mr.P.B.Gamot, Advocate for the petitioner.
Mrs.A.S.Mantri, APP for the respondent/State.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 12 DECEMBER, 2025

PER COURT :

1. The petitioner has challenged the order dated 12.11.2019 passed in Criminal Revision Application No.66 of 2018, passed by the learned Additional Sessions Judge, Bhusawal. In the said criminal revision, the petitioner has challenged the order dated 16.08.2018 passed by the learned J.M.F.C. (3rd Court), Bhusawal in RCC No.239/2018, wherein the learned J.M.F.C. has rejected the application u/s 156(3) of the Cr.P.C. for commission of offence punishable under Sections 420, 406, 409, 468, 467, 465, 471 r/w 120(B) of the IPC.

2. According to the petitioner, he has filed complaint against the Manager of Bank of India, Branch Bhusawal, stating therein that he

had invested an amount of Rs.1,30,587.65 in FDR which was having maturity date 31.07.2018. However, before the said maturity date, the amount of Rs.70,883/- was withdrawn and remaining amount of Rs.95,000/- was credited in his account. Therefore, according to him, the bank has committed fraud on him and therefore he sought action u/s 156(3) of the Cr.P.C.

3. The learned J.M.F.C., was pleased to observe that the grievance raised in the complaint was with regard to the services being provided by the accused being representative of Bank. The complaint is in respect of his grievance as regards providing him proper service. Since the complainant has not approached to the Higher Authorities or proper forum, therefore is came to be rejected by the learned J.M.F.C. Maintaining the said order, the learned Additional Sessions Judge, Bhusawal, has dismissed the revision petition observing that the dispute between the petitioner / complainant and the respondents/accused persons is like customer and service provider bank, which can be redressed by approaching to the Consumer Forum, and therefore, his revision accordingly came to be dismissed.

4. Today, this matter is listed for the first time before this Court challenging the order dated 12.11.2019 since the order passed by both the Courts below are in tune with the legal principles laid down in law and therefore does not require any interference and the same is rejected.

(SUSHIL M. GHODESWAR, J.)