



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 194 OF 2025

Bhaskar s/o Balasaheb Ingole,
Age : 44 Years, Occu : Agri.
R/o. Muktaji Wadi, Post Chikhali,
Tq. Mukhed, Dist. Nanded

...PETITIONER

Versus

1. The State of Maharashtra
Through Police Inspector,
Shivaji Nagar Police Station,
Nanded, Tq. & Dist. Nanded.
2. Avinash s/o Gangadharrao Kadam,
Age : 46 years, Occu : Legal Practitioner,
R/o. Vazirabad, Nanded.
3. Gangadhar s/o Pandurang Kadam,
Since the Deceased.
4. Nagnath s/o Ramchandra Shinde,
Since deceased (orig. Complainant)

...RESPONDENTS

Mr. Mantri Suraj Rajendra, Advocate for the Petitioner.
Mr. D. B. Bhange, APP for Respondent – State.
Mr. Swapnil S. Rathi, Advocate for Respondent No.2.

CORAM : ABHAY J. MANTRI, J.
DATE : NOVEMBER 27, 2025

JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally with the consent of learned counsel for the respective parties at the admission stage.

2. By this petition, the petitioner is challenging the order dated 22nd November 2024 passed by the learned Additional Sessions Judge, Nanded, below Exhibit 45 in Criminal Revision Application No.7 of 2020, whereby the application filed by the petitioner for permitting him to add as a party respondent was rejected.

3. The learned counsel for the petitioner vehemently contended that the petitioner, being the victim of the crime, is entitled to be added as a party to the proceedings, as he had purchased the plot from the original complainant, who had filed a complaint against the accused persons. Due to the complainant's death, no one from his family has come forward to pursue the said complaint; therefore, the petitioner, being the purchaser of the plot, filed an application under Section 403 of the Code of Criminal Procedure, 1973 (for short, the "*Cr. P. C.*"), seeking to be added as a party to the proceedings.

4. *On the contrary*, the learned counsel for respondent No.2 strenuously opposed the petition, contending that all the accused persons had preferred revision applications before the learned Sessions Court against the order passed by the learned Judicial Magistrate First Class. However, the petitioner is not assailing any of the other orders except the order passed in Criminal Revision Application No. 7 of 2020, which was filed by respondent No. 2. Thus, this itself indicates that the petitioner is not entitled to challenge the order.

5. Similarly, the learned counsel for respondent No.2 pointed out the averments made in paragraph No.2 of the application below Exhibit 45 and contended that the petitioner had raised grievances against accused Nos. 4 and 5, alleging that they had prepared false and bogus documents and, by forging his signatures, transferred the said plot. However, the petitioner has not challenged the order passed in their petition by the learned Additional Sessions Court. If the petitioner is not aggrieved by the said order, then he is not entitled to claim relief in the present petition also. Hence, he urged that the petition be rejected.

6. Having heard the rival contentions of the parties, I have perused the impugned order and record. It appears that the petitioner moved an application under Section 403 of the CrPC before the learned Additional Court, and his grievance is based on the mandate in the said provision. Therefore, it would be appropriate to reproduce the same, which reads thus :

“403. Option of Court to hear parties. – Save as otherwise expressly provided by this Code, no party has any right to be heard either personally or by pleader before any Court exercising its powers of revision; but the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader.”

7. A bare perusal of the section indicates that it gives the Court the option to permit a party to appear and argue the matter, and it is

entirely within the Court's discretion to exercise its power to hear any party either personally or by pleader. *A third party cannot insist on being permitted to contest or be added as a party.*

8. Moreover, it is pertinent to note that the petitioner is neither a legal heir nor a legal representative of the original complainant, so as to permit him to contest the said proceedings on behalf of the original complainant or to allow him to be added as a party in the present complaint or revision. Secondly, upon perusal of the averments in the complaint, it prima facie does not appear that the complainant had stated that the accused persons cheated the petitioner herein or that the petitioner had suffered any loss due to the acts allegedly committed by the accused. Therefore, I do not find any substance in the petitioner's contention seeking permission to be added as a party to the petition.

9. Having considered the above discussions, it appears that the learned counsel for the petitioner has failed to point out any illegality or perversity in the impugned order. On the contrary, the order passed by the learned Additional Sessions Judge appears to be just and proper, and therefore, no interference is required in the exercise of writ jurisdiction. Furthermore, the learned counsel for the petitioner has also failed to demonstrate how the petitioner is entitled to be added as a party to the proceedings under Section 403 of the Cr.PC., when he was neither a party to the original complaint nor is there any averment in the complaint indicating

that he was cheated in the alleged transaction.

10. That being so, I do not find any substance in his contention seeking permission to be added as a party in the original revision proceedings.

11. As a result, the petition, being bereft of merits, stands dismissed.

12. Needless to clarify, if the petitioner is aggrieved by the transaction that occurred between him and the original complainant, and if he claims to have been cheated by any party, he is at liberty to agitate his grievance by filing an independent complaint in accordance with law.

13. Rule is discharged.

14. Inform the learned Additional Sessions Court accordingly.

(ABHAY J. MANTRI, J.)