



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 354 OF 2020

ISHWAR S/O. RAMESHCHANDRA DAYAMA

VERSUS

VISHNUPRASAD S/O. KISANLAL DAYAMA AND OTHERS

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Shri Bide Dnyaneshwar A., Advocate for the Petitioner.

Mrs. C.S. Deshmukh, advocate for respondent Nos.1 and 2.

Shri Z.H. Farooqui h/f Shri N V Gaware, Advocate for
Respondent No.3.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 19 December 2025

P. C. :-

1. The petitioner has preferred the complaint bearing M.A. No.8555/2019 before the learned JMFC, Ahmednagar, praying for invoking provisions of Sections 195 and 340 of the Code of Criminal Procedure for registering the offences punishable under Sections 166, 167, 193, 195, 196, 119, 200, 211, 466, 469 and 471 of the Indian Penal Code, against the respondents. The learned JMFC, Ahmednagar, vide the impugned order dated 31.01.2020 has rejected the said complaint. Being aggrieved by the said order, the petitioner has approached before this Court.

2. The learned advocate Mrs. Deshmukh appearing for the contesting respondent Nos.1 and 2 has rightly pointed out that proper statutory remedy to challenge the impugned order as per Section 341 of the Code of Criminal Procedure, is before the Sessions Court by way of an appeal. Therefore, the petitioner may approach the Sessions Court by filing an appeal.

3. In that view of the matter, the Writ Petition is disposed of. The petitioner is permitted to avail the remedy of appeal under Section 341 before the Sessions Court. If the appeal is preferred, the learned Sessions Court, while dealing with the application for condonation of delay, shall sympathetically consider that the petitioner was prosecuting the case before this Court.

4. It is made clear that this Court has not made any observation on merits of the matter. All issues are kept open.