



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1285 OF 2019

VIKAS S/O. PRALHAD TONDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Shri Mahesh P. Kale, Advocate h/f Shri Muley Pramod N.,
Advocate for the Petitioner.

Shri V.M. Lomte, APP for the Respondents/State.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 19 November 2025

P. C. :-

1. Heard.
2. The petitioner challenges the judgment and order dated 07.02.2019 passed by learned Additional Sessions Judge, Majalgaon, in Criminal Revision No.16/2014 thereby, allowing the said revision and setting aside the orders dated 09.10.2013 and 13.02.2014 passed by learned JMFC, Majalgaon, below exhibit 1 in RCC No.217/2013. By the order dated 09.10.2013, the report under Section 202 of the Code of Criminal Procedure was called and by the order dated 13.02.2014, the report under Section 156(3) was called by learned JMFC.
3. When the instant petition was listed on the board for

the first time on 14.11.2025, learned advocate for the petitioner sought time and by way of last chance, the petition is kept today.

4. The record reveals that the proceedings before learned JMFC pertain to the private complaint filed in the year 2013. This petition was filed in the year 2019 and it was never circulated and listed for all these years. There is no stay granted by this Court and as stated earlier, the petition was never circulated and listed for hearing. During all these years, the petitioner is not at all vigilant and alert in the proceedings. As such, this Court cannot come to his aid, who is sleeping over his rights. In that view of the matter, I am not inclined to entertain this petition.

5. As far as merits of the matter are concerned, it has come on record that the petitioner has filed the private complaint bearing RCC No.217/2013 alleging offences punishable under Sections 493, 324, 328, 504 r/w 34 of the Indian Penal Code. In this complaint, learned JMFC passed two orders i.e. order dated 09.10.2013 under Section 202 and another order dated 13.02.2014 under Section 156(3). When these orders were challenged in the revision petition, learned Additional Sessions

Judge has rightly observed that Sections 200 and 156(3) of the CrPC operate in distinct spheres at different stages. The power to order police investigation under Section 156(3) is different from the power to direct investigation under Section 200(1). The power under Section 200(1) can be invoked at the post cognizable stage and the power under Section 156(3) can be invoked by the Magistrate before he takes cognizance of the offence. After analyzing evidence on record, learned Sessions Judge has rightly observed that learned JMFC has not followed the correct procedure after presenting the complaint by the complainant before him. Therefore, considering facts and circumstances of the case, I am of the view that learned Sessions Judge has rightly passed the impugned order and no interference is called for in the same.

6. In view of the above, this Criminal Writ Petition is dismissed. However, in the event, the petitioner is aggrieved by any further order passed by the Courts below, he is at liberty to take recourse to appropriate proceedings.