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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

11 CRIMINAL WRIT PETITION NO. 1118 OF 2025

Kavita Sandeep Bhagat
VERSUS
The State Of Maharashtra And Others

.....
Mr. J.M. Murkute, Advocate for Petitioner
Mr. S.A. Gaikwad, APP for Respondents – State
.....

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.

DATE : 08 SEPTEMBER, 2025

PER COURT :-

1. The present petition has been filed seeking a direction to the learned Judicial Magistrate, First Class, Ashti, District Beed, to decide Criminal Miscellaneous Application No. 70 of 2024.
2. The said proceedings, bearing Criminal Miscellaneous Application No. 70 of 2024, have been filed for direction to the police to investigate the matter under Section 156(3) of the Code of Criminal Procedure.
3. Heard the learned Advocate for the petitioner and the learned APP.

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4. By our order dated 18.08.2025, we called for a status report from the concerned Magistrate. The concerned Magistrate has reported that the application came to be filed on 22.05.2024. Written arguments were submitted on 11.06.2024. Then, on 21.10.2024, oral arguments were heard, and the matter was posted for orders on 11.11.2024. It is then stated that the matter is filed against a Member of the Legislative Assembly (MLA), and the said Court is not having the special powers to deal with cases against Members of Parliament (MP) or Members of Legislative Assembly (MLA) and therefore, the order could not be passed on 11.11.2024. On 05.12.2024, the learned Advocate for the applicant was directed to argue on the point as to whether the said Court was having the jurisdiction to entertain the application. But, then learned Magistrate has stated that she was on maternity leave from 06.01.2025 to 05.07.2025. Though she resumed her duties on 07.07.2025, the matter was listed on 07.08.2025, but she was on medical leave. Thereafter, the matter has now been posted for hearing on 12.09.2025.

5. After apprising the status, learned Advocate for the petitioner makes a statement that his counterpart before the Trial Court would argue the matter on 12.09.2025 and then within a reasonable time, the concerned Court should decide the application.

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6. Certainly, it appears that, all the facts that whether the matter is against M,P/M.L.A., and whether the Court has jurisdiction to entertain the application, ought to have been considered even prior to 05.12.2024. Be that as it may, the learned Advocate for the petitioner has made a statement that the Advocate representing the petitioner will make his submissions on 12.09.2025. Therefore, we direct the learned Magistrate to hear the arguments on that day, i.e. on 12.09.2025, and decide the said application within one month thereafter.

7. With this direction, we dispose of the writ petition.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

S P Rane