



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1126 OF 2025

Bhagwan Vilas Avhad,
age 48 years, occu. Business,
R/o. At Eklehara, Post. Pimpiriraja,
Tq. and Dist. Chh. Sambhajinagar. ...Petitioner

Versus

1. The State of Maharashtra,
Govt. Pleader (through DGP Office)
Chh. Sambhajinagar.
2. Ashok Manikrao Ghuge,
age 60 years, occu. Pensioner,
R/o. N-4, Cidco,
Chh. Sambhajinagar. ...Respondents

...
Advocate for Petitioner : Mr. C.V. Thombre
APP for Respondent No. 1 : Mr. P.M. Kulkarni
Advocate for Respondent No. 2 : Mr. P.P. Uttarwar
...

CORAM : ABHAY J. MANTRI, J.
DATE : 12th DECEMBER, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by the consent of the learned Advocates for the respective parties at the admission stage.
2. By this petition, the petitioner is challenging the order dated 02.08.2024, passed by learned Chief Judicial Magistrate, Aurangabad, below exhibit 13 in RCC No. 991/2022 and the

confirmation of the said order by learned Additional Sessions Judge – 5, Aurangabad, vide order dated 04.07.2025, in Criminal Revision Application No. 225/2024, has preferred this petition.

3. Having heard the learned Advocates for the petitioner and respondents and going through the record, at the out set, it appears that petitioner has moved application to discharge himself under Section 239 of the Code of Criminal Procedure, as no ingredients of Sections 420, 465, 468, 471, 511 read with 34 of the Indian Penal Code, have been attracted against him. The Learned Trial Court, after considering the material available before it, has held that, *prima facie*, a case is made out about the involvement of the petitioner in the present crime. Therefore, the application was rejected. Similarly, learned Additional Sessions Judge, after considering the judgment in *R.S. Nayak Versus A.R. Antulay, AIR 1986 SC 2045*, and applying the principle laid down therein, has held that the conclusion drawn by the learned Chief Judicial Magistrate is just and proper and no interference is required in it and therefore, dismissed the Criminal Revision Application.

4. Apart from that, on perusal of the complaint, *prima facie*, there are sufficient allegations appears in the complaint which attract the ingredient of Sections 420, 465, 468, 471, 511 of the IPC, and therefore, I do not find substance in the contention of the learned

Advocate for the petitioner that there are no material available on record to proceed against the petitioner under Sections 420, 465, 468, 471, 511 of the IPC. On the contrary, the averment in the complaint, coupled with the other material on record, prima facie, attracts the ingredients of Sections 420, 465, 468, 471, 511 of the IPC.

5. Having considered the above, it seems that the order passed by the learned Magistrate, as well as confirmed by the learned Sessions Judge, is just and proper. However, the learned Advocate for the petitioner failed to point out any illegality or perversity in the said judgment and orders, and therefore, no interference is required in the impugned judgment and orders. Thus, the Criminal Writ Petition being devoid of merits, stands dismissed. The rule is discharged. Inform the learned Trial Court accordingly.

6. Needless to clarify that the observations made in this order are, prima facie, in nature and should not come in the way of the petitioner while considering the Trial.

(ABHAY J. MANTRI, J.)