



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1361 OF 2019

BABRUWAN S/O. ANTOBA LOKHANDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. A. L. Kanade

APP for Respondents-State : Mr. D. J. Patil

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CORAM : SACHIN S. DESHMUKH, J.

Date : 13th October, 2025

ORDER :-

1. The petitioner has raised an exception to the order dated 15.01.2019 rendered by the learned Additional Sessions Judge – 2, Beed in Criminal Revision Application No. 80 of 2015, dismissing the revision application.

2. The petitioner / complainant was working as a Clerk in the Collector Office, Beed and was subsequently posted at Tahsil Office, Georai. During this tenure, the petitioner took possession of a Government land and raised construction in that portion with a temple. The petitioner further raised tin sheds beside the national highway for which the Municipal Council issued notice to the petitioner for the removal of the same.

3. Raising an exception to the show-cause notice, a civil suit for perpetual injunction was instituted by the petitioner against the Chief Officer of the Municipal Council, wherein temporary injunction was granted.

4. Thereafter, on 29.12.2005, the accused / officers i.e. Chief Officer cum Tahsildar, Sub-Divisional Officer, Naib Tahsildar and other Officers attached to the Government Department visited the site for removal of the encroachment. As per the allegations in the complaint, the accused made caste based slurs against the petitioner and restrained him from worshipping. Furthermore, the officers abused and threatened the petitioner.

5. In the aforesaid background, a complaint under Section 156(3) of CrPC was presented by the petitioner before the learned Judicial Magistrate First Class, Georai, for the offences punishable under Sections 3(1), 5, 8, 9, 10, 14 and 15 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (hereinafter "SC and ST Act" for short) and under Sections 427, 147, 148 and 323 read with 34 of the Indian Penal Code (hereinafter "IPC" for short) against the concerned Authorities, wherein the directions were issued to register the crime.

6. Accordingly, the investigation was carried out by the Investigating Officer, eventually, submitted the final report. The Investigating Officer proposed 'B' Summary Final Report in relation to the allegations made by the petitioner, those are maliciously false. The report was accepted and instead of rejecting proposal for 'B' Summary Final Report, the learned Judicial Magistrate First Class, Georai by its order dated 10.02.2015, accepted the 'C' Summary Final Report.

7. Raising an exception to the order dated 10.02.2015, petitioner preferred a revision under Section 397 of CrPC. The Revisional Court specifically recorded a finding that whenever the matter was listed and called out repeatedly for arguments, the petitioner remained absent from December 2017. Resultantly, the revision application is dismissed for want of prosecution on 15.01.2019.

8. It is in the aforesaid backdrop, the petitioner has approached this Court by way of present petition under Article 227 of the Constitution of India.

9. The learned counsel for petitioner has submitted that the learned Judicial Magistrate First Class, has committed error in endorsing the 'C' Summary Final Report. The learned Additional Sessions Judge has also erroneously dismissed the revision application presented by the petitioner for want of prosecution. To safeguard the rights of the petitioner, the learned counsel for petitioner prayed to allow the writ petition.

10. Per contra, learned APP supported the impugned order and prayed for dismissal of the writ petition.

11. It is a matter of record that, although the petition was presented in the year 2019, no steps were taken by the petitioner so as to ensure listing of petitioner and when it was eventually listed before this Court in the year 2025, when the petitioner was confronted with reasons assigned by the Revisional Court while dismissing the revision for want of prosecution since no specific reasons pleaded in the petition nor any justifiable reasons are forthcoming.

12. Except the assertions against the learned counsel representing the petitioner before the Revisional Court, no specific

reasons are assigned in the petitioner. In that view of the matter, no error is noted in the order dismissing the revision for want of prosecution as several opportunities were extended to the petitioner in relation to the alleged incident of the year 2005 and consequently, the petitioner has consciously chosen not to prosecute the same from the year 2017.

13. In the light of the aforesaid peculiar facts and circumstances, I am of the considered view that the Revisional Court is justified in dismissing the revision. The petitioner has not made out any case to cause interference in the impugned order. Resultantly, the petitioner stands dismissed. However, there shall be no order as to costs.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi