



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1428 OF 2018

MADHAV S/O. DINKARRAO SARGAR

VERSUS

VASANT S/O. RAMCHANDRA SARGAR AND OTHERS

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Shri A.S. Usmanpurkar (appointed through Legal Aid), Advocate
for the Petitioner.

Shri S. K. Chavan, Advocate for the Respondents.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 28 November 2025

P. C. :-

1. Heard.
2. The petitioner is praying for quashing and setting aside the order dated 20.03.2018 passed by learned Ad-hoc Additional Sessions Judge, Parbhani, in Criminal M.A. No.83/2025 thereby, the said application filed under Section 5 of the Limitation Act is rejected.
3. The petitioner is the original complainant in RCC No.207/2013. In the said criminal case, he has alleged that the respondents/ accused, who are 14 in number, have assaulted him

and, therefore, he has sustained injuries. He, therefore, prayed for initiation of action under Section 156(3) of the Code of Criminal Procedure. Learned JMFC vide order dated 17.03.2015 was pleased to discharge the accused persons under Sections 249 and 245(2) of the Code of Criminal Procedure.

4. The order dated 17.03.2015 was challenged by the petitioner before learned Sessions Judge along with the application for condonation of delay. There was delay of four months and nine days. The petitioner had filed written arguments before learned Sessions Court. The order dated 17.03.2015 indicates that inspite of the orders dated 05.02.2015 and 02.03.2015 below exhibit-1, the petitioner/ complainant has not taken steps to secure presence of the accused persons. There was consistent absence of the petitioner before learned JMFC. This petition is filed in the year 2018 and since then, it is pending. The accused persons have been discharged in the year 2015. In such circumstances, the observations of learned Sessions Judge in the impugned order appear to be reasonable. Hence, no interference is called for in the impugned order. Accordingly, the Writ Petition is dismissed.

5. Learned advocate for the petitioner is appointed through High Court Legal Aid Services Sub Committee, Bench at Aurangabad and his fees be quantified and paid to him as per rules.

kps

(SUSHIL M. GHODESWAR, J.)