



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL REVISION APPLICATION NO. 31 OF 2025

1. Eknath Khemchand Patil
Age 47 years, Occupation : Agri & Bussiness,
R/o 47/15, sector no. 2, Indrayani nagar,
Bhosari, Pune.

2. Dilip Khemchand Patil
Age: years Occ: Agri & Laboour
R/o same as above

..APPLICANTS

VERSUS

1. The State of Maharashtra
Through its Secretary,
Home Department, Mantralaya,
Mumbai-32.

2. The Superintendent of Police
Jalgaon Division, Jalgaon.

3. The Police Station Incharge
Jilla Peth Police Station
Jalgaon.

4. All the Directors
Bahinabai Chaudhari Nagri
Sahakari Pathpedi Ltd. Asoda

5. Pramod Ganpat Patil
Age: Major; Occ: Manager
Address of Respondent No. 4 & 5
R/o: Bahinabai Chaudhari Nagri
Sahakari Pathpedi Ltd. Asoda
Wani Lane, Main Road, Asoda
Tq. & District Jalgaon

6. Rameshwar Nana J adhav
The then Talathi of Village Shegaon
Age: Major Occ: Government Servant
O/add: Talathi of Bhadli
Tq. And District Jalgaon.

..RESPONDENTS

....
 Mr. C.D. Fernandes, Advocate for applicants
 Ms. A.S. Deshmukh, A.P.P. for respondent nos.1 to 3
 Mr. P.S. Gaikwad, Advocate for respondent nos. 4 and 5
 Mr. D.U. Manwatkar, Advocate for respondent no.6

CORAM : ABHAY J. MANTRI, J.
DATE : 08th OCTOBER, 2025

ORAL JUDGMENT :

1. By this revision application/petition, the applicants/petitioners are challenging the judgment and order dated 08th July, 2021, passed by learned J.M.F.C., Jalgaon in Criminal Misc. Application No. 206 of 2021, whereby the application filed by the applicant for issuance of the direction to register the FIR against respondents No.4 to 6 under section 156(3) of the Code of Criminal Procedure (for Short- ~~Cr P C.~~) was rejected and confirmation of the said order by the learned Additional Sessions Judge, Jalgaon, in Criminal Revision Application No. 83 of 2021 by judgment and order dated 09th May, 2025.

2. Heard learned counsel for the applicants and for the respondents.

3. By order dated 07th October, 2025, the query was put to the learned counsel for the applicants “*to satisfy this Court as to how the second revision application is maintainable.*” In response to the query, learned counsel for the applicant fairly submitted that the revision application is not maintainable. However, he urged converting the revision application into a

writ petition under Section 482 of the Cr. P. C. In support of his submission, he has relied on the judgment in *Akanksha Arora V/s Tanay Maben [2024] 12 SCR 954*. He pointed out paragraph no.7 of the said judgment and submitted that in view of the same, this application can be converted into a writ petition.

4. On the other hand, the learned counsel for the Respondent Nos. 4 and 5 submitted that in view of Section 397 (3) of the Cr. P. C., the second revision application is not maintainable. Similarly, he submitted that in view of the mandate laid down in the judgment in *Rajathi V/s C. Ganesan, 1999 AIR (SC) 2374*, (paras 9 & 10) it would not be proper to convert the revision application filed by the applicant into a writ petition under Section 482 of the Cr. P. C. If the revision application is converted into a writ petition under Section 482 of the Cr. P. C., it would be against the mandate in Section 397(3) of the Cr. P. C., and therefore, he urged the rejection of the application.

5. It is pertinent to note that initially the applicant had filed Criminal Writ Petition No. 1420 of 2023 before this Court; however, the same was disposed of vide order dated 11th January, 2024, which reads thus :-

“Leave granted to withdraw the writ petition with liberty to challenge the order of the Sessions Court in the revision whereby the petitioners’ revision challenging the order of the trial Court refusing to issue any direction under Section 156(3) of the Code of Criminal Procedure has been dismissed.

2. Criminal writ petition is disposed of as withdrawn with liberty as prayed for.”

6. A bare perusal of the order indicates that the applicant sought leave to withdraw the petition with liberty to challenge the order of the Sessions Court in revision. Accordingly, the writ petition was disposed of as withdrawn with liberty. The order itself denotes that the applicant himself made a prayer before this Court to permit him to file a revision application. Though now he is agitating that he has not made that prayer, I do not find substance in his contention, as he has not sought clarification about the said order.

7. Similarly, as per Section 397 (3) of the Cr. P. C., no further application by the same person shall be entertained by either of them, i.e. if the revision application is entertained by the Sessions court, then no further revision application /a second revision application shall be entertained by this high court, or the same is not maintainable. Therefore, I do not find substance in his contention in that regard.

8. Lastly, he urged the conversion of the said revision into a writ petition under Section 482 of the Cr. P. C. However, considering the prayer made in the application that he is challenging the order passed by the Sessions Court, I am not inclined to agree with his contention in that regard. Moreover, as per the observation made in *Rajathi V/s C. Ganesan* (*Supra*) and as per Section 397(3) of the Cr. P. C., there is a bar to file a second revision application before this Court. Therefore, I do not find substance in permitting him to convert the revision application into a writ petition under Section 482

of the Cr. P. C., as this would be contrary to the mandate in Section 397 of the Cr. P. C. Moreover, power under section 482 of the Cr. P. C. are not a substitute for a second revision under section 397(3) of the Cr. P. C.

9. Consequently, I do not find merit in the application. Hence, the criminal revision application is dismissed as not maintainable.

(ABHAY J. MANTRI, J.)

SSD