



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CRIMINAL WRIT PETITION NO. 1704 OF 2022

ABDULLAH BIN S/O. AMBARI HILABI

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

...

Mr. Sohail Subhedar h/f. Mr. Nilesh S. Ghanekar, Advocate for the
Petitioner.

Mr. G. O. Wattamwar, APP for Respondent No.1-State.

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CORAM : SUSHIL M. GHODESWAR, J.

DATE : 7th OCTOBER, 2025

PC.:-

1. Heard learned Advocates for respective parties for some time.

Mr. Mangesh Jadhav, learned Advocate for Respondent No.2 is absent.

2. It is pointed out to this Court that Mr. Jadhav was also absent on the last date of hearing. The matter is taken up for final disposal with the consent of learned Advocates appearing for the parties. It is pointed out that while disposing of the criminal revision application, learned Sessions Court was pleased to consider the two aspects:-

- (i). That the complaint of Petitioner did not disclose that the Petitioner had approached the higher police authorities or file a complaint in the police station in compliance with Section 154(3) of Code of Criminal Procedure, 1973; and

(ii). That the requisite Affidavit as per ***Priyanka Srivastava & Anr. Vs. State of U.P*** decided on 21st March 2015 by the Hon'ble Apex Court was not filed along with application for issuance of direction under Section 156(3) of Cr.P.C.

3. According to the learned Advocate for the Petitioner, both the aspects were already complied. However, inadvertently, these aspects were not brought to the notice of learned Sessions Court. In view thereof and to enable the Petitioner to point out the aforesaid two aspects before the learned Sessions Court, the matter is remanded to the learned Sessions Court for fresh consideration. The order passed by the learned Sessions Court is accordingly quashed and set aside.

4. The Criminal Revision No.75 of 2022 is restored back to its stage of fresh hearing. The learned Sessions Court is directed to decide the matter afresh after giving opportunity to the parties within a period of six months from the date of appearance of the parties.

5. Petition stands disposed of.

(SUSHIL M. GHODESWAR, J.)