



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1545 OF 2025

Renuka Mata Multistate Co-operative
Urban Credit Society Limited, Ahmednagar
R/o – Renuka Bhavan, Near Pushpak Hotel,
Eakvira Chouk, Pipeline Road, Ahmednagar
Tq. & Dist. Ahmednagar.
Through its Authorized person

...Petitioner

Versus

1. The State of Maharashtra,
Through Kotwali Police Station,
Ahmednagar

2. Rameshwar Satanarayan Jasabhati,
Age : 28 years, Occu ; Service,
R/o – Tapovan Hudco, Bhakti Apartment,
Flat No.11, Tapovan, Ahmednagar,
Tq. & Dist. Ahmednagar

...Respondents

Mr. Gandhi Amol Subhash, Advocate for the Petitioner.
Mr. S. S. Dande, APP for Respondent – State.

CORAM : ABHAY J. MANTRI, J.
DATE : NOVEMBER 12, 2025

ORAL JUDGMENT :

1. Heard. **Rule.** Rule is made returnable forthwith and heard finally by consent of the learned counsel for the respective parties.

By this petition, the petitioner/original complainant, being aggrieved by the order dated 18th September 2025 passed by the Sessions Judge, Ahmednagar, in Criminal Revision Application No. 34 of 2025,

whereby confirmed the order dated 24th February 2025 passed by Learned 17th Additional Chief Judicial Magistrate, Ahmednagar, below Exhibit 35 in SCC No.878 of 2023, whereby the application for recalling of the complainant filed by the complainant was rejected.

2. Perused the impugned orders and record.

3. At the outset, it appears that the petitioner moved the application for recalling complainant, after the recording of the statement of the accused under Section 313 of the Code of Criminal Procedure, 1973 and the matter was fixed for final hearing, on the ground that the complainant had issued a notice on two addresses one was issued on 07th January 2023 and second was issued on 08.12.2022 but it had failed to produce the notice allegedly sent to the accused on 08th December 2022.

4. The learned Magistrate, after considering the material on record, rejected the said application. The complainant challenged the said order before the learned Sessions Court, Ahmednagar. The learned Sessions Judge, after considering the material on record, dismissed the revision filed by the complainant. Hence, this petition.

5. It is pertinent to note that, in the complaint, the complainant has nowhere stated the issuance of the notice dated 08th December 2022 to the accused. Therefore, the question of filing the application after recording the statement of the accused under Section 313 of Cr. P. C, to recall the

witness for producing the alleged notice dated 08th December 2022, doesn't arise at all. Hence, I do not find any substance in his contention.

6. Thus, it appears that the learned Sessions Judge, while considering the question in dispute in paragraph no. 6 of the impugned judgment, has dealt with the material on record and held that nothing was placed on record to show that on 08th December 2022, notice was issued to the respondent and therefore, rejected the revision. However, learned counsel for the petitioner failed to point out that the said finding is manifestly perverse or illegal. Moreover, nothing perceptible shows that the order is a sanctuary of error. In fact, the order is passed on proper appreciation of the material on record. As such, the order passed by the learned Judges appears just and proper. Hence, I do not find substance in the contentions of learned counsel for the applicant to interfere in the impugned judgment and order.

7. As a result, the petition being devoid of merit, stands dismissed. No order as to costs. Rule stands discharged. Inform the order to the learned Court accordingly.

(ABHAY J. MANTRI, J.)