



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL APPLICATION NO. 3964 OF 2023

JANARDHAN SHAMVEL SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Applicant : Ms. Manjiri A. Kulkarni
APP for Respondents-State : Mr. V. M. Chate
Advocate for Respondents No. 2 to 4 : Mr. Pradip S. Jadhav h/f Mr.
V. P. Latange

CORAM : SACHIN S. DESHMUKH, J.
Date : 25th November, 2025

ORDER :-

1. The applicant has raised an exception to the judgment and order dated 01.09.2023, rendered by the learned Sessions Judge, Ahmednagar in Criminal Revision Application No. 51 of 2023, confirming the order dated 23.03.2023, rendered by the learned Judicial Magistrate First Class, Ahmednagar in Regular Criminal Case No. 1771 of 2022, dismissing the complaint presented by the petitioner.

2. The complainant / applicant's case is that relying on the oral assurance by respondent No. 2 to purchase a property for the purpose of its re-sale on profit, the applicant paid Rs.11,00,000/- from time to time between the March to October 2020. Respondent

No. 2 represented that the money of the applicant, property would be purchased from respondent No. 3. Respondent No. 2 Suggested to purchase the property in the name of respondent No. 4. After relaxation of Covid-2019 lock-down, the applicant visited the said property in the year 2022 and noticed that respondent No. 4 was residing there with family and a new construction was raised thereon. The applicant complained Municipal Corporation in relation to the said incident but no action was taken. Therefore, the complainant presented the complaint for offences punishable under Sections 405, 406, 415, 417, 420, 423 and 120B read with 34 of the Indian Penal Code and is also prosecuting remedy in civil side by filing suit.

3. The learned Magistrate dismissed the complaint under Section 203 of Code of Criminal Procedure on the ground that prima facie there was no sufficient evidence on record to issue process against the accused / respondents No. 2 to 4.

4. Raising an exception to the same, the applicant had preferred the Criminal Revision Application No. 51 of 2023, eventually came to be dismissed by the Sessions Judge, Ahmednagar, endorsing the order passed by the learned Magistrate.

5. Being aggrieved by the same, the applicant approached this Court by way of present application .

6. I have heard the learned counsel for litigating sides. Perused the record made available.

7. Admittedly, the issue involved in the complaint essentially is of civil nature. However, there is an attempt by the petitioner to confer cloak of criminality. As such, no error could be noted in the orders rendered by the Courts below. Resultantly, no case is made out to cause interference in the order under challenge.

8. Resultantly, petition *sans* merit and accordingly, the same is dismissed.

(SACHIN S. DESHMUKH, J.)

Omkar Joshi