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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO.1908 OF 2019
(Keshav Rama Muddewad Vs. The State of Maharashtra and another)

Mr.Taher Ali Quadri, Advocate for the petitioner.
Mr.C.V.Bhadane, APP for the respondent/State.

(CORAM : SUSHIL M. GHODESWAR, J.)

DATE : 24 NOVEMBER, 2025

PER COURT :

1. The petitioner is challenging the orders dated 11.10.2018 passed by the learned J.M.F.C. Bhokar in OMCA No.142/2018 and order dated 08.05.2019 passed by the learned Sessions Judge, Bhokar in Criminal Revision No.26/2018 and praying for quashing and setting the both the orders.

2. The petitioner/complainant had filed this complaint against then President, Municipal Council, Bhokar, Chief Officer, Nagar Panchayat, Ardhapur, Engineer and Clerk of the Municipal Council, Bhokar stating the allegations of corruption committed by them between 22.08.2014 to 14.08.2017 in Municipal Council, Bhokar and

therefore he have approached to the learned J.M.F.C. in Misc.Criminal Application No. 142/2018 and prayed to register FIR against them for the offence punishable u/s 120(B), 409, 419, 420, 426, 465, 467, 468, 471, 474, 477(A) r/w 34 of the IPC. The learned J.M.F.C., vide the impugned order dated 11.10.2018 pleased to observe that this Court in PIL No.92/2017 filed by the complainant himself, has passed order dated 11.09.2018. In the said PIL, it is observed by this Court that the District Collector has appointed 3 members Committee, and also called the report of Committee and initiated action issuing directions to the various authorities. The grievances thus raised as regards corruption in the Municipal Council, is redressed by the District Collector with prompt action. Therefore, that PIL has been disposed of by this Court.

3. The learned J.M.F.C., Bhokar has refused to take cognizance of the complaint u/s 156(3) of the Cr.P.C. on the ground that the District Collector has seized with the matter and also taking action as per the procedure after appointing 3 members Committee regarding alleged corruption in Municipal Council, Bhokar and therefore the learned J.M.F.C. felt that there is no need to direct any investigation u/s 156(3) of the Cr.P.C. and dismissed the application

filed by the petitioner vide order dated 11.10.2018. Thereafter, the petitioner has approached the learned Sessions Court vide Cri.Revision Application No.26/2018 challenging the order dated 11.10.2018 passed by the learned J.M.F.C. Bhokar. The learned Additional Sessions Judge, Bhokar, Dist. Nanded, in his detailed order after considering each and every submission of the petitioner, was pleased to dismiss the revision petitioner. In paragraph Nos. 9 and 10 of the said order, the learned Sessions Court has observed that the the petitioner himself has given application to the Collector and the Collector has appointed a team of three officers for making enquiry in the allegations made by the revision petitioner. All the members of the Enquiry Committee have given separate report to the Chairman of the Enquiry Committee and the Chairman of the Enquiry Committee has submitted his report on 08.06.2018. The Chairman of the Enquiry Committee has pointed out many irregularities and illegalities in the functioning of the President, Chief Officer, Engineer and clerical staff of the Municipal Council. The Chairman of the Enquiry Committee has also suggested to initiate the departmental inquiries against Chief Officer and other staff.

4. The learned Sessions Judge in paragraph No.10 of the

impugned order was further pleased to observe that the petitioner is required to approach to the State Government. The State Government is empowered with the power u/s 311 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 for making enquiry of the business of the Municipal Council and to dismiss the elected body of the Municipal Council and appoint an Administrator.

5. In such circumstances, the learned Sessions Judge further observe that approaching the learned Judicial Magistrate, First Class for issuance of directions u/s 156(3) of the Cr.P.C. by the revision petitioner is not proper.

6. The petitioner has approached this Court by filing the instant writ petition in the year 2019. Since then, this petition was never circulated and nor listed before this Court. On 14.11.2025, this petition was listed for the first time, when the learned Advocate for the petitioner sought one week time. Today, when this matter was listed, according to him, the learned Trial Court as well as the learned Revisional Court has committed an error in not issuing directions to the

to the Police to register crime u/s 156(3) of the Cr.P.C.

7. In support of his submissions, he has relied upon two citations of the Hon'ble Apex Court, which are as under :-

[i] Depot Manager, A.P. State Road Transport Corporation Vs. Mohd.Yousuf Miya and others, reported in [(1997) 2 SCC 699],

[ii] Chandan Kumar Basu Vs. State of Bihar [(2014) 13 SCC 70].

8. According to him, both the Trial Courts have committed an error in not directing enquiry u/s 156(3) of the Cr.P.C. as prayed for and therefore both the orders passed by the Sub Ordinate Courts are illegal and therefore prayed for allowing the present writ petition.

9. After considering the aforesaid submissions and on going through the orders passed by the Sub-Ordinate Courts, it is clear that the impugned orders passed by the Sub Ordinate Courts are correct and proper and requires no interference by this Court. Moreover, the petitioner is not found to be vigilant and alert. Since 2019, he has never circulated this matter as such, this Court is not coming to his aid as he was sleeping over his rights since the year 2019. Even otherwise

also, as discussed above, I found the orders passed by the learned Trial Courts reasonable and proper and requires no interference at this stage.

10. Hence, the instant writ petition stands dismissed. No order as to costs.

(SUSHIL M. GHODESWAR, J.)