

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION 593 OF 2025**

Sakharam Narayan Rahate

...Applicant

Versus

State of Maharashtra And Ors

...Respondents

Mr. Rakesh S. Rahate (through VC) for the applicant

Mr. Ramanik Pawar for respondent no. 2

Mr. S. S. Chaudhari APP for the State

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CORAM : SHIVKUMAR DIGE, J.

DATE : 7th OCTOBER, 2025.

P.C.

1. By this application, the applicant has challenged the order dated 9th April 2025 passed by the learned Judicial Magistrate First Class (for short, 'JMFC'), Devrukh in Regular Criminal Case No. 47 of 2017 whereby the learned JMFC has closed the evidence of the applicant/complainant.

2. It is the contention of learned counsel for applicant that the applicant is complainant in Regular Criminal Case No. 47 of 2017. He attended all dates regularly. One day, the applicant and his advocate could not appear before the learned JMFC. On that day, the learned

JMFC has closed the evidence. Learned counsel further submitted that thereafter, application was filed to set aside the order of the learned JMFC, the said application is rejected. The applicant is ready to cooperate with the Trial Court and he will attend the Court dates regularly and he will produce evidence. Hence, requested to allow the application.

3. It is the contention of learned counsel for the respondent that the offence was registered on the basis of private complaint in the year 2017. Since then, the matter is pending before the learned JMFC. The applicant is dragging the matter to cause harassment to the respondent. He willfully remained absent before the Trial Court. The learned Trial Court has passed well reasoned order and no interference is required in it. Hence, requested to reject the application.

4. Learned APP submits that appropriate order may be passed.

5. I have heard all the learned counsels. Perused the impugned Order. The applicant is complainant. He is pursuing the matter since 2017.

6. Considering these facts, I pass the following order:

ORDER

- I. The application is allowed.
- II. The impugned orders dated 21st February 2025 passed below Exhibit 1 and 9th April 2025 passed below Exhibit 134 are quashed and set aside.
- III. The applicant is permitted to lead evidence.
- IV. The applicant shall remain present on every date before the Trial Court.
- V. The Trial Court is requested to dispose off the application as early as possible.
7. The application is disposed off in above terms.

(SHIVKUMAR DIGE, J.)