

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.1122 OF 2024**

SATISH  
RAMCHANDRA  
SANGAR

Dattaram Sahadev Warang

...Petitioner

V/s.

The State of Maharashtra and Anr.

...Respondents

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| Mr.P.G.Sabnis a/w Ms.Kashmira<br>Khedekar i/b. Mr.G.J.Sabnis:- | Advocates for Petitioner.      |
| Ms.Rashmi S. Tendulkar:-                                       | APP for Respondent No.1 -State |

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CORAM : S. M. MODAK, J.

DATE : 15<sup>th</sup> JULY 2025

**P. C. :-**

1. Heard learned Advocate for the Petitioner / Accused.
2. On 1<sup>st</sup> July 2025, this Court has directed the Petitioner to satisfy the Court about the maintainability of the Petition. Accordingly, the learned Advocate relied upon the following judgments:-

- (i) *Dhariwal Tobacco Products Limited and Others V/s. State of Maharashtra and Anr.*<sup>1</sup>
- (ii) *Vishwanath Ramkrishna Patil and another V/s. Ashok Murlidhar Sonar and another*<sup>2</sup>

<sup>1</sup> (2009) 2 Supreme Court Cases 370

<sup>2</sup> 2006(5) Mh.L.J. 671

- (iii) *Balkrishna A. Bhandari and Others V/s. Sandeep Mehta and Another*<sup>3</sup>
- (iv) *Madhushree Datta V/s. State of Karnataka and Another*<sup>4</sup>
- (v) *Naresh Aneja Alias Naresh Kumar Aneja V/s. State of Uttar Pradesh and Another*<sup>5</sup>.

He has read the relevant paragraphs from some of the judgments.

3. It is true the remedy under Article 227 of the Constitution is a constitutional remedy and not the statutory remedy. It is true just because an alternate remedy of Revision is available, it does not mean that the person can be denied a right to exhaust the constitutional remedy. This law is well settled.

4. It is true in these judgments, it is also observed “*whether to exercise the discretion in favour of the Petitioner, is a question of facts and circumstances*”.

5. Learned Advocate for the Petitioner made the following submissions:-

- (a) The averments in the complaint do not make out a case for ‘*issuance of process*’ under Sections 504 and 506 of IPC.
- (b) The Court of Judicial Magistrate First Class – Vengurla as per the order dated 29<sup>th</sup> September 2022 has issued a process for those offences. It was on complaint of Respondent No.2.

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3 Criminal Writ Petition No.3208 of 2019 : Bombay High Court : 30<sup>th</sup> June 2022

4 (2025) 3 Supreme Court Cases 612

5 (2025) 2 Supreme Court Cases 604

- (c) He invited my attention to the averments in the complaint and the verification recorded on Page No.28.
- (d) His contention is the averments in the complaint and verification do not fulfill the requirements of Sections 504, 506 of IPC.
- (e) Additionally, he submitted that there is a Civil Suit filed by his client before the Court of Civil Judge, Junior Division – Vengurla against the Respondent No.2 / Complainant and one Pundalik Namdev Warang. It was earlier to filing of the private complaint and to pressurize the Petitioner, this private complaint is filed.

6. After hearing him and going through the documents, this Court feels that these contentions can be agitated before the Revisional Court. It is for the reason, the Revisional Court can certainly look into the documents which were filed along with the complaint and satisfy himself as to whether the prima facie case is made out for the offences under Sections 504, 506 of the IPC. So this Court feels that the jurisdiction under Article 227 of the Constitution need not be exercised. I am not inclined to entertain this Petition.

7. Just because the Petitioner is aged and resident of Mumbai and is for difficult to travel to Vengurla cannot be considered as a supporting ground to entertain the Petition. Before the Revisional Court, the presence of the Petitioner is not required. Even after appearing before

the trial Court, the Petitioner is at liberty to ask for exemption. The trial Court can also consider the request because except for certain acts, the presence of the Accused is not required.

8. This Court has noticed more and more Petitions are filed in the High Court in exercise of remedy under Article 227 of the Constitution and there is a tendency not to approach the Revisional Court. But when the grounds of challenge are on the basis of documents which are part of the complaint, this Court feels that remedy under Section 397 of Cr.P.C. has to be exhausted first. Ultimately, this is a Constitutional Court and recourse can be taken only when some exceptional case is made out and it should not be by way of a routine matter. So, I am not entertaining the Petition. Hence, it is dismissed.

9. The Petitioner is at liberty to challenge the order of '*issuance of process*' before the concerned Revisional Court. There are no observations on merits. If the Revision is filed, the Revisional Court to go through the documents and averments in the complaint and satisfy itself as to whether the ingredients of Sections 504, 506 of IPC are made out and if they are not made out, is at liberty to pass appropriate orders. The Petitioner is at liberty to pray for condonation of delay for

the time consumed in filing this Petition. **If an Application is filed, it be considered positively.**

[S. M. MODAK, J.]