



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 04 OF 2025

Ravindra S/o Ananda Kakde

-- VERSUS --

State of Maharashtra and Another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. K.P. Sadavarte, Advocate for the petitioner.

Ms. S.V. Kolhe, A.P.P. for the Respondent No.1.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 24, 2025.

Heard.

2. It appears from the record that the issue of sanction was neither agitated before the learned Judicial Magistrate First Class, Deulgaon Raja, nor raised before the Court of the Sessions Judge, Buldhana.

3. As argued by the learned counsel for the petitioner, the issue of sanction goes to the root of the matter. If the Court concludes that there is no valid sanction, the question of deciding the matter on merits does not arise. Therefore, the aforesaid ground is sufficient to quash the process issued by the learned Judicial Magistrate First Class, Deulgaon Raja.

4. It is not in dispute that the issue of sanction was not raised before either of the Courts. It is a settled position of law that the grant or refusal of sanction goes to the root of the matter. In view of the above, I am inclined to remit the matter to the learned Judicial Magistrate First Class, Deulgaon Raja, for consideration on the issue of sanction.

5. Accordingly, the order dated 24/03/2023 passed by the learned Judicial Magistrate First Class, Deulgaon Raja, and the order dated 14/10/2024 passed by the learned Sessions Judge, Buldhana, are hereby quashed and set aside.

6. The matter is remanded to the learned Judicial Magistrate First Class, Deulgaon Raja, for consideration on the issue of sanction. It is made clear that this Court has not expressed any opinion on the merits of the case.

[M.M. NERLIKAR, J]