



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APPR) NO. 133 OF 2025
IN
CRIMINAL REVISION APPLICATION NO. 113 OF 2019 (D)

Atul s/o Ramesh Gajbhiye Vs Amit Kumar Brij Kishore Agrawal and another

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Mr. Aakash A. Gupta, counsel for applicant.

Mr. Anant Ghogare, APP for non-applicant/State.

Ms. Roshani Gajbhiye, counsel for Assist to Prosecution.

CORAM : URMILA JOSHI-PHALKE, J.
DATED : 06/08/2025.

1. By this application, the applicant is seeking recall of the order passed by this Court in Revision Application No. 113 of 2019.

2. The Revision Application No. 113 of 2019 was preferred, challenging the order dated 01/02/2019 passed by the learned Additional Sessions Judge, Nagpur, in Misc. Criminal Application No. 894 of 2018, rejecting the B-Summary report tendered by the prosecution. The present applicant lodged a complaint against the applicant on 23/06/2017. On the basis of the said complaint, the offence was registered against the applicant under Sections 299, 406, 468, and 471 of the Indian Penal Code, read with Sections 3(1)(p)(q)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, vide Crime No. 192/2017.

3. After conducting the due investigation, the B-summary report was tendered by the prosecution in the court of the Additional Sessions Judge, Nagpur. The said B-summary report was rejected. Against the rejection of the said B-summary report, the accused preferred the revision bearing No. 113/2019. During the pendency of the said revision, the handwriting expert's opinion was received before the trial court. Therefore, this court by observing that the learned counsel for the applicant vehemently argued that the allegation against the applicant that he had forged the signature of Shri Satyendra Kumar, General Manager, South-Eastern Central Railway, Bilaspur, on his transfer order. However, Shri Satyendra Kumar himself admitted that the said document was signed by him, therefore there is no question of forgery as such. It is further submitted before this Court that the said letter was sent to the Handwriting Expert. The Handwriting Expert's report has been received by the learned Additional Sessions Judge, Nagpur, and therefore, the matter may be remitted to the Court of Additional Sessions Judge, Nagpur, for considering the matter fresh.

4. Accordingly, the matter was remanded back by setting aside the order passed by the Additional Sessions Judge, Nagpur, in Misc. Criminal Application No. 894/2018, and the same is pending before this Court. In this application, the order is challenged only

on the ground that the original complainant was not made a party in the said criminal revision.

5. Now, already the applicant is served with the notice, and he is raising objection as far as the B-summary report is concerned. Therefore, compliance, which is required by considering the B-summary report, is already addressed by the Additional Sessions Judge. The present applicant has already appeared in the said hearing, and the opportunity of hearing is already granted to the present applicant. Therefore, no purpose will be served by recalling the said order.

6. In view of that, the application deserves to be disposed of with the direction that the learned Additional Sessions Judge, Court No. 13, Nagpur, shall give sufficient opportunity to the present applicant to raise the objection before disposing of the said application.

7. The Criminal Application (APPR) No. 133/2025 is **disposed of**.

8. Both the parties to cooperate with the Additional Sessions Judge, Nagpur, for disposing of the said B-Summary report.

[URMILA JOSHI-PHALKE, J.]