



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

CRIMINAL WRIT PETITION NO.643 OF 2024

RAVINDRA RADHAKISAN KASAT

VS

LALIT NAVALKISHOR RATHI

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

Court's or Judge's order

Mr.V.V. Sharma, Advocate for the petitioner/s

CORAM : ANIL S. KILOR, J.

DATE : 07th FEBRUARY, 2025

1. The petitioner is the complainant in the compliant filed under Section 138 of the Negotiable Instrument Act. The respondent is the accused, who filed the application for permission to file certain documents on record. The same came to be rejected by the learned trial Court vide common order below Exhs. 38 and 41 dated 05.03.2022, which was the subject matter of challenge before the Additional Sessions Court, Akot in Criminal Revision Application No.09 of 2022.

2. The learned Additional Sessions Judge, Akot vide judgment and order dated 10.01.2024 allowed the revision application and set aside the order below Exhs. 38 and 41 passed by the learned Judicial Magistrate First Class, Court No.2, Akot in Summary Criminal Case No. 387 of 2018.

3. I have heard the learned counsel for the petitioner. None for the respondent, though served long back.

4. On perusal of the record, it is evident that the petitioner raised an objection to the tenability of the revision application. To the said objection, the respondent filed his reply to justify how the revision application is maintainable.

5. However, it is evident that while passing the final judgment in the revision application, the Revisional Court did not touch the said objection as regards tenability of revision application. Since the issue of jurisdiction goes to the root of the matter, the learned Revisional Court ought to have decided the same instead of ignoring and discarding the same.

6. In the circumstances, the Revisional Court has committed error in not deciding the jurisdictional issue. Therefore, I am of the opinion that the present writ petition needs to be partly allowed by remanding the matter back to the Revisional Court to decide the same afresh, after considering the issue of tenability of the revision application. Accordingly, I pass the following order:

(i) The petition is **partly allowed**.

(ii) The judgment and order dated 10.01.2024 passed by the learned Additional Sessions Judge, Akot in Criminal Revision Application No.09 of 2022 is hereby quashed and set aside and the matter is remanded back to the learned Additional Sessions

Court, Akot for deciding the revision application afresh.

7. The petition is disposed of accordingly.

(ANIL S. KILOR, J.)