



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

CRIMINAL WRIT PETITION NO. 659 OF 2024

Dilip Ramkrushna Nanote

-- VERSUS --

Nemichand Bhikamchand Aabad

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

Court's or Judge's orders.

Mr. J.R. Kidilay, Advocate for the Petitioner.

Mr. R.S. Bhoyar, A.P.P. for the respondent.

CORAM : M.M. NERLIKAR, J.

DATE : SEPTEMBER 24, 2025.

The present Writ Petition is filed challenging the judgment and order dated 12/06/2024 passed by the learned Additional Sessions Judge-1, Kelapur, in Criminal Revision Application No. 25/2019 wherein the revision was allowed and permitted to examine witnesses as per Application at Exh.279. The said revision was filed against the order dated 05/10/2019 passed below Exh. 279 by the learned Judicial Magistrate First Class at Wani in Summary Criminal Case No. 1186/2009, whereby the learned Magistrate rejected the application Exh. 279. The application at Exh. 279 was filed to call witnesses under Section 311 of the Code of Criminal Procedure, 1973, for examination in order to prove certain documents like

Audit report and Income documents. The original complainant preferred the revision against the order dated 05/10/2019, which was allowed. The present writ petition is filed challenging the order passed in the revision.

2. At the outset, the learned counsel for the petitioner submits that the Revisional Court ought not to have entertained the revision application, as the order impugned is an interlocutory order and revision would not be maintainable. He further submits that the issue of maintainability was not raised before the Revisional Court.

3. On the other hand, the learned counsel for the respondent submits that the order in question cannot be considered as an interlocutory order, rather, it is an intermediate order, and therefore, the revision would be maintainable.

4. Considering that the issue of maintainability of revision against the order dated 05/10/2019 was not raised before the Revisional Court by the present petitioner, I deem it appropriate to remand the matter back to the Revisional Court. Accordingly, the matter is remanded to the Revisional Court to decide the issue of maintainability of the

revision, after affording an opportunity of hearing to both the parties.

5. In view of the above, the order dated 12/06/2024 is hereby quashed and set aside. The matter is remanded back to the learned Additional Sessions Judge-1, Kelapur, District Yavatmal. In case, the Revisional Court comes to the conclusion that the revision is maintainable, the findings rendered in the order dated 12/06/2024 shall stand automatically restored. The petitioner shall be at liberty to challenge the said order on merits as well as on maintainability, if so advised, in accordance with law. Similarly, if the matter goes against the respondent even respondent would be at liberty to challenge the same.

6. With these observations, the present writ petition is **disposed of**.

[M.M. NERLIKAR, J]