



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

CRIMINAL APPLICATION (APL) NO. 1571 OF 2024

sh Bapusaheb Naik and anr Vs.State of Maharashtra, the PSO, PS Manora, District Washim
and ors)

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

Court's or Judge's orders

Mr.P.R. Agrawal, Advocate for applicants.
Mr. H.D. Marathe, APP for non-applicant No.1/State.
Mr. Chetan Dongre, Advocate for non-applicant No.2

CORAM : RAJNISH R. VYAS,JJ.

DATED : 25-09-2025.

Heard learned counsel for the parties.

2. This is an application preferred by original accused Nos. 1 and 2 in Misc. Criminal Application 38/2019, pending before the Judicial Magistrate First Class – Court No. 1, Manora, District Washim, against whom by order dated 14.1.2022, process for commission of offence punishable under Sections 448, 504, 506 read with Section 34 of the Indian Penal Code is issued.

3. Both the applicants/original accused Nos. 1 and 2 have invoked inherent jurisdiction of the Court on the ground that even revisional Court did not take into consideration relevant material and dismissed the same.

4. I have perused the documents, so also, heard learned counsel at length.

5. In short, it is the contention of Mr. PR. Agrawal, learned counsel for applicants that order impugned is unspeaking and though the applicants were residing outside the jurisdiction of the Court, which issued process (page 40 - according to applicant/ accused are

residing at Pusad) and therefore, enquiry under Section 202 of the Code of Criminal Procedure(“Code”) should have been ordered.

6. Per contra, Mr. Chetan Dongre, learned counsel for non-applicant No. 2 has argued that the order passed by the learned trial Court as well as learned revisional Court is just and proper which requires no interference.

7. Mr. Marathe, learned APP has fairly stated that though the applicants were residing outside the jurisdiction of the Court which issued notice, enquiry under Section 202 of the Code was not ordered.

8. From page 14, which is a copy of complaint, it is crystal clear that applicants are residing at Pusad, District Yavatmal whereas the process has been issued by Judicial Magistrate First Class, Manora, District Washim. Admittedly, enquiry under Section 202 of the Code is not conducted.

9. In that view of the matter, order issuing process dated 14.1.2022, in Misc. Criminal Application 38/2019, by Judicial Magistrate First Class, Manora, District Washim and the order of the revisional Court is set aside.

10. Matter is remanded back to Judicial Magistrate First Class, Manora, District Washim. The learned Magistrate, after complying with the mandate of Section 202 of the Code, may decide question of issuance of process, according to the material produced by the parties. The application is disposed of.

(RAJNISH R. VYAS, J)