



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 CRIMINAL WRIT PETITION NO. 163 OF 2026

SAMPAT MAHADU TRIBHUVAN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for the Petitioner : Mr.A.V.Hon
APP for Respondent-State : Mr.P.D.Patil
...

CORAM : MEHROZ K. PATHAN, J.
DATE : 24.02.2026

P.C. :

1] The petitioner has approached this Court seeking indulgence, challenging the order dated 20.11.2025 passed by the Additional Sessions Judge, Kopergaon, whereby dismissing the Revision filed against the order dated 03.02.2023 passed by the learned Judicial Magistrate First Class, Kopergaon, issuing process on the complaint filed by the respondent herein being SCC No.720 of 2019.

2] The learned counsel for the petitioner vehemently submits that the complaint filed by the

complainant does not make out case for the offence alleged against the present petitioner. The allegations against the present petitioner are arising out of the agricultural disputes between the complainant and the petitioner. The petitioner is falsely roped in the said crime. The learned Magistrate, without application of mind to the content of the complaint, has mechanically issued process against the present petitioner.

3] It is submitted by the learned counsel for the petitioner that the Revisional Court has also failed to take into consideration the fact that *prima facie* cognizable offences were not made out and even then the trial Court has mechanically applied its mind and issued process without application of mind. The learned counsel for the petitioner, therefore, prays for quashing and setting aside of the impugned order of revision dated 20.11.2025 as well as the impugned order passed in Criminal Revision Application No.40 of 2023 and order dated 03.02.2023 passed by the learned JMFC, Kopergaon in SCC No.720 of 2019.

4] I have gone through the impugned order dated 20.11.2025 passed by the Additional Sessions Judge, Kopergaon in Criminal Revision Application No.40 of 2023 and the order dated 03.02.2023 passed by the learned JMFC, Kopergaon in SCC No.720 of 2019. Perusal of the order dated 03.02.2023 would show that the trial Court had perused the complaint and satisfied itself about allegations made therein by the complainant and recorded satisfaction that prima facie offence under Section 143, 147, 148, 323, 341, 427, 447, 504 and 506 of the IPC are made out against the accused and has thereafter issued process against the accused nos. 1 to 11.

5] The learned Revisional Court has also taken into consideration the fact that the learned trial Court after receipt of the complaint, had recorded verification statement of the complainant and it was further noticed by the Revisional Court that the trial Court has also heard arguments of the complainant and found that there is prima

facie case made out from the complaint filed by the complainant under Section 202 of the Criminal Procedure Code about allegations made for the incident dated 09.06.2019 between 10.30 a.m. to 12.30 p.m. in the land Gat No.93/1 wherein all the accused are alleged to have constituted unlawful assembly with a common object committed trespass, assault, caused mischief, wrongfully restrained, abused and threatened to kill the complainant. I have also gone through the complaint, which is filed on record by the learned counsel for the petitioner. Perusal of the complaint also bears allegations of forming unlawful assembly, wrongfully restrained, assault, mischief, abused and threatened to kill him. The Magistrate while issuing process has to satisfy itself also. Whether prima facie offences are made out or not. From the perusal of complaint of cognizable offences are clearly made out. I do not find any error or illegality committed by the learned JMFC while issuing process against the present petitioners. I do not further find any illegality or perversity in the observations made by the learned Revisional Court, particularly looking

to the contents in the complaint filed by the complainant under Section 200 of the Criminal Procedure Code. The petitioner has, thus, failed to make out the case for interference of this Court under Article 227 of the Constitution of India. The Writ Petition is, devoid of merits and hence the same is dismissed.

6] Needless to mention here that any application moved by the accused persons shall be decided on its own merits. The observations made herein are prima facie in nature and made with an intention to decide the present Writ Petition and the same may not influence the learned trial Court while deciding any application moved by the accused persons for their discharge.

[MEHROZ K. PATHAN]
JUDGE

DDC