

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

APPLICATION NO. 552 OF 2026

Sunil Murlidhar Bhagat ..Applicant

Versus

The State of Maharashtra & anr. ...Respondents

Mr. R B Mungekar a/w Mr. Sudhanshu Sawant, for Applicant.
Mr. Tanveer Khan, APP for the Respondent - State.

CORAM : N. J. JAMADAR, J.

DATE : 16th APRIL 2026

P.C.:

1. Heard the learned Counsel for the parties.
2. The challenge in this application is to an order dated 28th January, 2026 passed by the learned Sessions Judge, whereby a Criminal Revision Application No. 883/2024 preferred by the applicant against an order passed by the learned Magistrate, declining issue of process against the Respondent No. 2 for the offences punishable under Sections 352 and 504 of the Indian Penal Code, 1860 ('IPC'), came to be rejected by affirming the order passed by the learned Magistrate.
3. The applicant preferred a private complaint for the offences punishable under Sections 289, 341, 352, 504, 506 r/w Section 34 of IPC, against the Respondent No. 2 and two others.

4. After examination of the complainant under Section 200 of the Code of Criminal Procedure, 1973, (the Code, 1973) and perusal of the report of inquiry under Section 202 of the Code, 1973, by an order dated 13th September, 2024, the learned Magistrate was persuaded to issue process against the Respondent No. 2, only, for the offences punishable under Section 289 and 341 of IPC.

5. The learned Magistrate was of the view that, no *prima facie* case was made out qua the co-accused Nos. 2 and 3, and for rest of the offences qua accused No.1. The Revisional Court has not found any reason to interfere with the order passed by the learned Magistrate.

6. Since the application arises out of a private complaint, the applicant would be required to lead evidence. Upon the evidence being led by the applicant, if the learned Magistrate finds that, the accused is required to be tried for the offences for which the process has not been issued, the learned Magistrate can pass an appropriate order.

7. Thus, keeping open the liberty to raise all the contentions before the learned Magistrate, the Application stands disposed.

[N. J. JAMADAR, J.]