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

CRIMINAL APPLICATION NO.987 OF 2017

Sudas Shivappa Dhapale	... Applicant
Versus	
State of Maharashtra	...Respondent

Mr.U.J.Desai, for the Applicant.

Mr.Yogesh Y. Dabke, A.P.P for the Respondent-State.

CORAM : REVATI MOHITE DERE, J.

DATE : 31st JANUARY, 2018

P.C. :

1. Heard learned counsel for the parties.

2. By this application, the Applicant has impugned the order dated 12th July, 2017, passed by the learned Additional Sessions Judge, Ichalkaranji in Criminal Revision Application No.8 of 2017, by which the learned Judge was pleased to dismiss the applicant's Revision Application, on the ground of maintainability.

3. Perused the papers as well as the impugned order. The

applicant had filed an Application, being Criminal Revision Application No.8 of 2017 in the Court of Sessions, impugning the order dated 6th February, 2017, passed by the learned Judicial Magistrate First Class, Ichalkaranji, below Exhibit – 1, in Criminal M.A.No.30 of 2017, by which the Trial Court had rejected the applicant's prayer for sending the complaint for investigation under Section 156(3) of Code of Criminal Procedure. The said Revision Application was dismissed by the learned Sessions Judge on the ground of maintainability, stating, that the order passed by the learned Judicial Magistrate First Class, Ichalkaranji, was an interlocutory order and hence Revision was not maintainable. A Division Bench of this Court (Coram: A.B.Chaudhari and Indira K. Jain, JJ.) vide order dated 21st October, 2015, passed in Writ Petition No.159 of 2014 and other connected writ petitions, held that the order under Section 156 Cr.PC not being an interlocutory order, would be revisable and as such Revision under Section 397 or Section 401 of Code of Criminal Procedure, would lie.

4. In view of the order dated 21st October, 2015, passed by the Division Bench of this Court at Aurangabad Bench, the impugned order dated 12th July, 2017, passed by the learned Additional Sessions Judge,

Ichalkaranji in Criminal Revision Application No.8 of 2017, dismissing the Revision Application, on the ground of maintainability, was clearly not justified.

5. According the impugned order dated 12th July, 2017, passed by the learned Additional Sessions Judge, Ichalkaranji in Criminal Revision Application No.8 of 2017, is quashed and set aside and Criminal Revision Application No.8 of 2017, is restored back to its original file. The learned Additional Sessions Judge shall consider Criminal Revision Application No.8 of 2017, on its own merits, in accordance with law.

6. The Application is accordingly disposed of in above terms.

7. All concerned to act on the authenticated copy of this order.

REVATI MOHITE DERE, J.