

MHSN170027652020 	Received on	24.01.2018
	Registered on	30.01.2018
	Decided on	06.01.2026
	Duration	07Ys.11M.13Ds.
	Exh.No.	8

IN THE SESSIONS COURT, VITA, AT VITA
(Presided over by R.R. Bhagwat, Addl. Sessions Judge, Vita)

CRIMINAL REVISION APPLICATION NO.9/2024
(OLD CRIMINAL REVISION APPLICATION NO.9/2018)

Chetan Avinash Patil)
Age-40 Years, Occu. Business)
R/o. Ramkrishna Textile, 876/16E,) **Revision**
Indranail, Kasaba Bawada Road,) **Applicant**
Near Head Post Office, Kolhapur)

VERSUS

1. **Abhijeet Ashok Sawant**)
Age-40 Years, Occu. Business) **Respondents**
R/o. Anushka Fabrics, Plot No.E-85,)
Wivars Park, M.I.D.C., Kadegaon,)
Tal. Kadegaon, Dist. Sangli)
2. **State of Maharashtra**)

Criminal Revision Application Under Section 397 of the
Code of Criminal Procedure

Ld. Counsel Shri. V. V. Patil for the revision applicant.

None for respondent No.1.

Ld. APP Shri. M. H. Gramopadhye for respondent No.2.

: JUDGMENT :
(Delivered on 06.01.2026)

1] The applicant has preferred revision against order below Exh.45 dt.18.12.2017 rejecting prayer for cancellation of N.B.W. and for allowing Advocate for the applicant/accused to conduct work in S.C.C. No.93/2015 passed by Ld. J.M.F.C., Kadegaon in his absence. Second order below Exh.43 dt.09.11.2017 rejecting prayer for setting aside 'no cross' order and order below Exh.48 dt.01.01.2018 issuing N.B.W. against the applicant in S.C.C. No.93/2015 are also under challenge in present revision.

2] None present for the applicant and respondent No.1. Heard Ld. APP Shri. M.H. Gramopadhye for the State. Considering impugned orders as referred above, it appears that 'no cross' order was passed on 11.09.2017 and the applicant had approached the Court with application Exh.43 on 09.11.2017. The applicant had approached Ld. Trial Court within period of two months from the date of 'no cross' order. Even then, application came to be rejected without citing any reason. As vital right of the applicant to defend himself is affected, Ld. Trial Court was expected to appreciate explanation or justification offered by the applicant and to pass appropriate order. Unreasoned order below Exh.43 has resulted into denial of vital right to defend himself to the accused. Similarly, other two

orders came to be passed without allowing the applicant to cancel N.B.W. issued against him. Ld. Trial Court has adopted very harsh and rigid view while passing impugned orders. By rejecting prayer for cancellation of N.B.W., Ld. Trial Court has focused its attention on absence of the accused. For this reason, no interference can be made in the order below Exh.45. Similarly, warrant is already issued and it was expected to be cancelled by the applicant by appearing before the Court in person. Considering illegality and perversity of the impugned orders below Exh.43 can be set aside. There is no scope to make indulgence in orders below Exh.45 and 48. Hence, I pass the following order :-

: ORDER :

1. Criminal Revision Application No.9/2024 (old Cri.Revn.Appln. No.9/2018) is partly allowed.
2. Impugned order below Exh.43 dt.09.11.2017 rejecting prayer for setting aside 'no cross' order in S.C.C. No.93/2015 passed by Ld. J.M.F.C., Kadegaon is hereby set aside.
3. Application Exh.43 in S.C.C. No.93/2015 pending in the Court of Ld. J.M.F.C., Kadegaon is allowed.
4. Proceeding of Criminal Revision Application No.9/2024 (old Cri.Revn.Appln. No.9/2018) is closed.

(Dictated and pronounced in the open Court)

Vita
Dt.06.01.2026

(R.R. Bhagwat)
Additional Sessions Judge, Vita

CERTIFICATE

I affirm that, the contents of this P.D.F. file, are same word to word, as per the original order/judgment.

Name of Stenographer	: H.G. Sutar (Steno Grade-I)
Court	: DJ-1 & Addl. Sessions Judge, Vita.
Date of order	: 06.01.2026
Signed by Presiding officer on	: 06.01.2026
Uploaded on	: 07.01.2026