

MHNS070026342025



Received on 10.12.2025

Registered on 11.12.2025

Decided on 18.03.2026

Duration **Y M D**
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IN THE COURT OF THE SESSIONS JUDGE MALEGAON

AT : MALEGAON, DIST. NASHIK.

(Presided over by Y. H. Ameta)

Criminal Revision Appln. No. 88 of 2025

Exh. 15.

Samir Magan Bhugbal.

Age 51 yrs. Occ.- Agri.

R/o. Bhujbal Farm House, Nashik,

Tal. & Dist. Nashik

.... Applicant.

Vs.

- 1. The State of Maharashtra**
Through :-The Police Inspector,
Nandgaon Police Station, Nandgaon.
Tal-Nandgaon, Dist. Nashik.
- 2. Shri. Ashok Raghunath Patil.**
Age 47 years, Occupation. ----
R/o Phule Nagar, Manmad Road,
Nandgaon, Nashik.
- 3. Shri. Daya Sunil Junnare.**
Age 27 years, Occupation. – Labour,
R/o Gangadhari, Tal-Nandgaon,
Dist.-Nashik.
- 4. Shivaji Sukhdev Sonawane.**
Age 34 years, Occupation. – Labour,
R/o Devi Galli, Dwarka Nagar,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
- 5. Vishwajeet Gangadhar Jadhav.**
Age 31 years, Occupation. – Labour,
R/o 30 Gangadhari, Tal-Nandgaon,
Dist.-Nashik.

6. **Avinash @ Bala Popat Kedare.**
Age 37 years, Occupation. – Labour,
R/o Anand Nagar, Chatrapati Sambhaji Nagar,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
7. **Kiran Vasant Gangurde.**
Age 35 years, Occupation. – Labour,
R/o Gangadhari, Tal-Nandgaon,
Dist.-Nashik. Respondent.

And

Suhas Dwarkanath Kandhe Intervenor.

Adv. Shri. Hiray Harshal Vikas for the Applicant.
Adv. Shri. Fulpagare Ld. A.P.P. for the State.
Adv. Shri. A. I. Wasif for the Intervenor.

J U D G M E N T

(Delivered on 18th March, 2026)

1. Vide present Revision application the applicant Samir Magan Bhujbal, being one of the accused in Sum. Criminal. Case no. 250/2025, seeks to assail the order dated 04.07.25, passed on Exh. 1, by the Ld. Magistrate, thereby issuing summons / process against the accused under sections 126(2), 189(2), 191(2), 169 and 171 of the Bhartiya Nyaya Sanhita, 2023.

2. Shorn of unnecessary details, facts leading to present Revision are that a complaint being C.R. no. 518/2024, came to be lodged by Babasaheb Bhausahab Shinde, a Senior Clerk, in Nandgaon Municipal Corporation, against present applicant Samir Bhujbal and others. Complainant Babasaheb Bhausahab Shinde, was appointed as the Asst. Election Officer, in Ward no. 113-Nandgaon Vidhan Sabha Constituency. It is his complaint that on 20.11.2024, Vidhan Sabha

elections day, at about 09:45 a.m., he received a phone call from Sunil Mokul in the Code of Conduct department, informing about some ruckus happened near Gurukul College. Further mentioned in the complaint that upon he reaching at the spot, he saw that a bus bearing registration no. MH-43/H-9292, was obstructed by the independent candidate Shri. Samir Bhujbal and his 40-50 party workers, and the persons in the bus were been prevented from casting their vote. Further mentioned in the complaint that video-shooting was done and the persons in the bus stated of they having came all the way from Mumbai for casting their vote. Also stated that the election-id cards of those persons were verified and those persons were found to be voters from that constituency. Accordingly, the complaint under section 126(2), 189(2), 191(2), 169 and 171 of the Bhartiya Nyaya Sanhita, 2023.

3. Upon Charge-sheet been filed, Ld. Magistrate proceeded to issue summons against all the accused, vide its order dated 04.07.25, as stated aforesaid. Being aggrieved by the said order issuing process, hence, present revision application by one of the accused Samir Magan Bhujbal.

4. Ld. Advocate for the revision applicant-accused, vehemently submits that order issuing summons to be illegal, bad in law, requiring it to be set-aside and quashed. It is submitted that the FIR in the present matter could not have been filed, as based on similar facts, same time, same accused, same spot and same occurrence, as another offence being C.R. no. 526/2024, has been registered at the same police station, in respect of same incidence and against same accused. Vehemently submitted that there was no need for two FIRs on same

set of facts.

5. Further submitted that the statements of voters/persons in the said bus are not recorded, FIR merely states of a pregnant lady in the bus, but her name and other details are not there in the Charge-sheet. Also submitted that the statements of other witnesses bear similar contents. Further submitted that the details in the FIR are in contradictions to the details of incidence as mentioned in the panchnama of the Video-recording of the alleged occurrence. Also submitted that the panchnama of the video-recording does not reveal any incriminating material against this applicant Samir Bhujbal; but the same has not been considered by the Ld. Magistrate issuing summons against this accused.

6. Further vehemently argued that there are witness statements about the rival candidate to this applicant accused had brought those voters by inducing and enticing them, thus there would be no illegality and no offence if any election candidate or a rival candidate would inquire about genuinity of the voters. Further submitted that Ld. Magistrate before passing order of issuing summons against the accused, ought to have considered all materials before it, and after coming to a conclusion of there being sufficient material against the accused, to proceed against. Accordingly, submitted that order to be erroneously passed without considering entire material before it. Thus, prayed for allowing this revision application and the order issuing summons against this accused requires to be quashed and set-aside.

7. Per contra, Ld. APP submits that at the time of issuance of process, the Charge-sheet is not required to be gone into minutely;

albeit mere prima-facie case if made out or not is to be seen. Further submitted that mere process is issued, accused as yet is not put up to face trial. Also submitted that thus present revision application is premature and not tenable. Also submitted that all these materials would be required to be considered at the time of recording plea of the accused or framing charge against him. Accordingly, submitted that thus the order issuing process against this accused is proper, legal not requiring any interference, in this Revision. Accordingly, submitted to reject the present revision application.

8. Ld. Advocate for the intervenor, has adopted the arguments advanced by the Ld. APP and contended the present revision application to be rejected.

9. Upon perusing the application, the impugned order and hearing both the Ld. Advocates, following points arise for consideration, and the same are answered as mentioned against each of them, for the reasons following, thereafter.

<u>Sr. No.</u>	<u>Points.</u>	<u>Findings.</u>
1	Whether the impugned dated 04.07.2025, passed by the Ld. Magistrate below application Exh. 01 in Sum. Criminal Case no. 250/2025 is legal, just and proper ?	Yes.
2	Whether the impugned dated 04.07.2025, passed by the Ld. Magistrate below application Exh. 01 in Sum. Criminal Case no. 250/2025 requires any interference in the instant Revision?	No.
3	What Order?	As per final Order.

REASONS.**As to all the Points :-**

10. Instant revision assails the impugned order issuing summons / process against the revision applicant. Specific objection raised is that there would be no illegality in any rival candidate inquiring about the genuineness of the voters in the bus; about there being two FIR been lodged in respect of the same offence and again the same set of accused; statement not recorded of the passengers in the bus; contradiction in the contents of FIR and the panchnama of the videography contents of the incidence.

11. It would be pertinent that while issuing process *summons the Ld. Court has to form an opinion as to whether there is sufficient material against the accused to proceed for; rather not expected at anticipate the probable outcome of the trial. Resort can here be held to a Judgment and Order dated 26.04.2024, passed by the Hon'ble Supreme Court of India, in Criminal Appeal no. ---- of 2024 (Arising out of S.L.P. (CRL.) No. 10746 of 2023), in the matter between Aniruddha Khanwalkar Vs. Sharmila Das & Ors., wherein, in its paragraph no. 12.1 it has been interalia observed that, "...The Learned Sessions Court has considered the revision against the summoning order as if after trial the findings of conviction and acquittal was to be recorded. It was a preliminary stage of summoning. For summoning of an accused, prima facie case is to be made out on the basis of allegations in the complaint and the pre-summoning evidence led by the complainant." Thus, it appears that only the material in the complaint is to be considered for prima-facie case been made out, while proceeding to issue summons. Perusal of the FIR, would show it to contain the allegations in specific words as,*

“मी तात्काळ सदर ठिकाणी माझे पथकासह पोहचलो असता तेथे एका लक्झरी बस क्र. एम.एच. ४३ एच. ९२९२ या गाडीला नांदगांव विधानसभा मतदार संघाचे अपक्ष उमेदवार श्री. समिर भुजबळ व त्यांचे कार्यकर्ते यांनी अडवुन मतदारांना मतदान करणेस प्रतिबंध केला असल्याचे दिसुन आले. सदर ठिकाणी जावुन पोलीसांसमक्ष गाडीची पहाणी केली असता त्यामध्ये साधारणपणे ४० व्यक्ती होत्या, त्यांचेकडे आम्ही व्हीडीओ शुटींग करित विचारपुस केली. त्यांनी आम्हास ते मुंबई वरुन स्वतःहुन मतदानाकरीता सदर लक्झरी गाडीतुन आले असल्याचे सांगितले. सदर गाडीत एक गरोदर महिला सुध्दा होती. ती लवकर सोडा अशी विनंती करत होती. त्यास अनुसरुन आम्ही त्यांचे जवळील ओळखपत्राची खातरजमा केली असता ते नांदगांव विधानसभा मतदार संघातील मतदार असल्याचे आम्हास समजले.

सदर ठिकाणी पोलीस समवेत बस अडविणारे इसमाबाबत माहिती घेतली असता सदर ठिकाणी केलेल्या व्हीडीओ शुटिंगवरुन सदरचे लोक हे अपक्ष उमेदवार श्री. समिर भुजबळ व त्यांचे कार्यकर्ते अशोक पाटील, दया जुन्नरे, शिवा सोनवणे, विकी जाधव, बाळा केदारे व त्यांचे सोबतचे ४० ते ५० इसम असल्याचे मला दिसुन आले”. Thus, there is clear allegation in the FIR against this applicant-accused Samir Bhujbal of having obstructed the voters from casting their vote. As far as contradictions in the contents of the FIR vis-à-vis the contents of the panchnama of the videography done by the police at the spot, it is pertinent that the impugned order passed is of summoning the accused, trial is not initiated, prosecution evidence is not adduced, therefore, such preliminary stage of issuing summons cannot be an apt stage for considering the contradictions, if any in the prosecution material against the accused.

12. Further, it is also stated that the Charge-sheet does not contain the statement of any passenger from the bus; however, it is the prosecution’s concern as to manner, mode and nature of evidence by which it shall propose to bring home the guilt of the accused. Further, there is no specific bar from examining any person as a prosecution

witness whose statement is not recorded, under investigation. Thus, statement under investigation not recorded of any passenger from the bus, shall not be of any avail to the accused, atleast at this stage.

13. As far as argument advanced about there being two complaints in respect of same incidence with same set of accused, is concerned; however, it would be pertinent that there is no law permitting the Ld. Magistrate from referring to another complaint / FIR being subject matter of another complaint, while taking cognizance or issuing summons in all together separate complaint before it; atleast no such law is pointed out, by the revision applicant. Further, nothing has been pointed out or argued of the cause of action or the offences alleged and Charged in both the complaints, whether same or the complainant in both the complaints to be the same person. Therefore, such material not before the Ld. Magistrate, about there being two complaints on similar facts, while passing the impugned order issuing summons; therefore, this order cannot be faulted with. Further, present revision assails the order issuing summons, thus scope of this revision is restricted and it cannot trespass into the question of maintainability or legality of two FIRs been registered, on same set of facts against same set of accused.

14. It would also be pertinent that the order sought to be impugned is passed on 04.07.2025, whereas present Revision application is preferred on 09.12.2025 i.e. after 5 months and 2 days; whereas the limitation period prescribed for preferring any revision is of 90 days, per the Limitation Act. No doubt it is contended in the revision application that the accused gained knowledge on 01.10.2025, about summons been issued. However, except bald assertion, there is no

material on produced on record to substantiate the factum of accused gaining knowledge on 01.10.25, about summons been issued against him. Copy of summons served, or certified record from the concerned court proceedings are not submitted to substantiate it. Thus, it appears to be a vague assertion about the accused gaining knowledge on 01.10.25, about summons been issued against him. Therefore, the revision to be clearly within limitation period also becomes disputable, as the same is preferred on 09.12.2025, i.e. clear 157 days after summons been issued against this accused, whereas the period of limitation for preferring any revision application is just 90 days. Therefore, present revision application, whether preferred within limitation period also becomes doubtful.

15. Further it is also pertinent that summons is issued in all against seven accused including the present revision applicant; however, nothing is pointed out that other co-accused have also disputed issuance of summons against them, or have preferred any revision. Thus, it appears that it is only this accused having agitated the issuance of summons. No doubt, it would not always be necessary for each of the summoned accused to challenge the summons issued against him, it will depend upon the sweet choice of each summoned accused; however, that would also project of other accused not disputing of any such occurrence, albeit each accused has his indefeasible right to defend and contest the allegations levelled against him.

16. Thus, for the reasons supra, it appears that the impugned order does not suffer from any illegality or impropriety, so as to interfere in it. Thus, impugned order being proper and legal, does not warrant any

interference, in present Revision. Hence, following order.

ORDER.

1. Present revision application stands dismissed.
2. Interim orders if any, stands vacated.
3. Records and Proceedings, if called for, be returned to the Ld. Trial Court.
4. Ld. Trial Court be intimated accordingly.

Date : 18.03.2026

(Y. H. Ameta)
Additional Sessions Judge,
Malegaon.