

MHNS070026352025



Received on 10.12.2025

Registered on 11.12.2025

Decided on 18.03.2026

Duration **Y M D**
00 03 07

IN THE COURT OF THE SESSIONS JUDGE MALEGAON
AT : MALEGAON, DIST. NASHIK.

(Presided over by Y. H. Ameta)

Criminal Revision Appln. No. 89 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. Keshav Sudam Suryawanshi.

Age 53 years, Occupation-Service,
R/o Nandgaon Police Station, Nandgaon,
Taluka-Nandgaon, District-Nashik.

3. Shri. Ashok Raghunath Patil.

Age 47 years, Occupation. -Labour,
R/o Phule Nagar, Manmad Road,
Nandgaon, Nashik.

4. Avinash @ Bala Popat Kedare.

Age 37 years, Occupation. – Labour,
R/o Anand Nagar, Chatrapati Sambhaji Nagar,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.

5. Shri. Daya Sunil Junnare.

Age 27 years, Occupation. – Labour,

R/o Gangadhari, Tal-Nandgaon,
Dist.-Nashik.

6. **Shivaji Sukhdev Sonawane.**
Age 34 years, Occupation. – Labour,
R/o Devi Galli, Dwarka Nagar,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
7. **Vishwajeet Gangadhar Jadhav.**
Age 31 years, Occupation. – Labour,
R/o 30 Gangadhari, Tal-Nandgaon,
Dist.-Nashik.
8. **Rajendra Nimba Mahajan.**
Age 52 years, Occupation. – Agriculture,
R/o Shree Ram Nagar, Phule Nagar, Manmad Road,
Tal-Nandgaon, Dist.-Nashik.
9. **Sagar Pralhad Jagdane.**
Age 29 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road, Nandgaon,
Tal-Nandgaon, Dist.-Nashik.
10. **Ganesh Raghunath Patil.**
Age 51 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road, Nandgaon,
Tal-Nandgaon, Dist.-Nashik.
11. **Bhagwan Sakhari Mahajan.**
Age 29 years, Occupation. – Labour,
R/o Shree Ram Nagar, Mahajan Wada,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
12. **Dipak Bhimnath Patil.**
Age 55 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
13. **Vijay Ramesh Mahajan.**
Age 36 years, Occupation. – Labour,
R/o Shree Ram Nagar, Mahajan Wada,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.
14. **Somnath Bhimnath Patil.**
Age 29 years, Occupation. – Labour,

R/o Phule Nagar, Manmad Road,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.

15. Shivaji Vishnu Jagdane.

Age 43 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.

16. Anil Bhaskar Aher.

Age 45 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road,
Nandgaon, Tal-Nandgaon, Dist.-Nashik.

17. Rakesh Ramesh Jagdhane.

Age 30 years, Occupation. – Labour,
R/o Phule Nagar, Manmad Road,
Nandgaon, 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. 173/2025, seeks to assail the order dated 29.05.25, passed on Exh. 1, by the Ld. Magistrate, thereby issuing summons / process against the accused under sections 189(2) and 351(2) and 351(3) of the Bhartiya Nyaya Sanhita, 2023.

2. Shorn of unnecessary details, facts leading to present Revision are that a complaint being C.R. no. 526/2024, came to be lodged by

Keshav Sudam Suryawanshi, police attached to Nandgaon Police Station, against present applicant Samir Bhujbal and others. Complainant Keshav Sudam Suryawanshi, was deputed on patrolling duty within Ward no. 113-Nandgaon Vidhan Sabha Constituency on 20.11.2024, Vidhan Sabha elections day. It is mentioned in the complaint that whilst that day on duty he received a wireless message about informing about some ruckus happened near Gurukul College. Further mentioned in the complaint that upon he reaching at the spot, he saw that mob of about 40-50 persons from each rival group of independent candidate Samir Bhujbal and his rival candidate Suhas Kande were quarrelling and exchanging verbal accusations in front of a bus bearing registration no. MH-43/H-9292, for reasons of Suhas Kande allegedly brought these voters for casting their votes under inducement. It is the complaint that all these persons forming an unlawful assembly, were quarrelling and threatening with the members of candidate Suhas Kande. Further alleged that independent candidate Samir Bhujbal alongwith his members insulted Suhas Kande and uttered the words, “जा रे तुझ्या सारखे छप्पन्न बघितले”. Accordingly, the FIR against independent candidate Samir Bhujbal and his members under sections 189(2), 351(2) and 351(3) 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 29.05.25, 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. 518/2024, 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, as about 5 accused, including this accused are same persons in both the complaint.

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, revealing it to be copy-paste statements.

6. Submitted that the rival candidate Suhas Kande had brought voters from Mumbai to Nandgaon, in a bus, to cast their votes. Also submitted that this accused alongwith his party members, stopped the bus to inquire about the genuineness of the voters in the said bus. Further submitted that thus quarrels took place between the party members of this accused and those of the rival candidate Suhas Kande's party members.

7. Further vehemently argued that there are witness statements about the rival candidate to this applicant accused having 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 genuineness of the voters. Also submitted that if at

all rival candidate Suhas Kande felt offended by the words of Samir Bhujbal addressed to him, a complaint ought to have been filed either by Suhas Kande or his party members, however no such complaint has been lodged by them. Further submitted that just uttering the words, ‘जा रे तुझ्या सारखे छप्पन्न बघितले’, would not be sufficient to consider peace been breached or anybody been threatened. Submitted that moreover, statements of rival candidate Suhas Kande or his party members are even not recorded.

8. Submitted that thus there is no sufficient material in the Charge-sheet to convict the accused. Also, submitted that Ld. Magistrate failed to appreciate this aspect 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.

9. 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.

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

11. 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 29.05.2025, passed by the Ld. Magistrate below application Exh. 01 in Sum. Criminal Case no. 173/2025 is legal, just and proper?	Yes.
2	Whether the impugned dated 29.05.2025, passed by the Ld. Magistrate below application Exh. 01 in Sum. Criminal Case no. 173/2025 requires any interference in the instant Revision?	No.
3	What Order?	As per final Order.

REASONS.

As to all the Points :-

12. 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; statements not recorded even of the rival group members or of Suhas Kande rival political candidate. Just uttering the words, ‘जा रे तुझ्या सारखे छप्पन्न बघितले’, would not be sufficient to consider peace been breached or anybody been threatened.

13. 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 to 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, ‘जा रे तुझ्या सारखे छप्पन्न बघितले’, been uttered by this accused to the rival candidate Suhas Kande; further FIR also contains allegations of voter’s bus been obstructed and there being quarrels between the members of the rival groups led by this accused Samir Bhujbal and his

rival Suhas Kande. Thus, there is clear allegation in the FIR against this applicant-accused Samir Bhujbal of having obstructed the voters from casting their vote and also of uttered threatening and or insulting words to the rival candidate Suhas Kande. As far as contentions raised about statements not been recorded of the bus passenger voters or of Suhas Kande or his party members, 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 such defence raised. Summons issuing Court is not expected while issuing summons, to anticipate the outcome of the trial.

14. Further, it is also stated that the Charge-sheet does not contain the statement of any passenger from the bus or of rival party members; 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 person, shall not be of any avail to the accused, atleast at this stage.

15. 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.

16. It would also be pertinent that the order sought to be impugned is passed on 29.05.2025, whereas present Revision application is preferred on 09.12.2025 i.e. after 06 months and 09 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 193 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.

17. Further it is also pertinent that summons is issued in all against sixteen 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.

18. 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.