



CRIMINAL REVN.APPLN.NO.3/2020

Bhavesh Parab Vs. Bhushan Jage & 1

ORDER BELOW EXH.5

1. Perused application and documents on record.
2. Heard ld. Adv. Shri. Upadhye for revision applicant(original complainant) has submitted that as per order dt.1/2/2020 passed below Exh.1 in Cri.M.A.No.36/2020 by ld. IIIrd J.M.F.C.Alibag has took the cognizance of complaint under sec.200 of Cr.P.C. instead of issuing directions u/sec.156(3) of Cr.P.C. If the order is not stayed then the revision applicant will suffer irreparable loss. Therefore, he prayed to allow the application.
3. Perusal of record shows that, on 10/12/2019 the revision applicant has filed complaint against Bhushan Jagdish Jage therein alleging that on 26/9/2019 revision applicant purchased a pet from revision opponent No.1. At that time, he told revision applicant that, he is veterinary doctor. On 27/9/2019 revision opponent No.1 came to the house of revision applicant and gave injection. On 28/9/2019 the pet of revision applicant fell sick and

became weak. In spite of such treatment the dog of revision applicant become serious. Subsequently the revision applicant came to know that revision opponent No.1 is not veterinary doctor to give treatments to pets. Despite of that he was treating the pets. The revision opponent No.1 is treating the pets without degree under Indian Veterinary Council Act. Therefore, on 6/10/2019 revision applicant went to Alibag police station. But police refused to take cognizance. Therefore, the revision applicant has filed complaint before CJM Alibag as Cri.Misc.Appln.No.36/2020 and requested to pass order u/sec. 156(3) of Cr.P.C. However, the ld. JMFC Alibag has directed to proceed the matter u/sec. 200 of Cr.P.C.

4. Feeling aggrieved and being dissatisfied by the said order the revision applicant preferred this revision and vide Exh.5 he prayed to stay the order till disposal of this revision.

5. As stated supra the revision applicant is seeking investigation u/sec. 156(3) but the ld. Magistrate has took the cognizance of offence u/sec.200 of Cr.P.C. and fixed the matter on next date for examination of complainant. Due to which the revision applicant may suffer irreparable loss. In such circumstances, if stay to the impugned order is not granted then the present revision petition would become infructuose. Considering the facts and circumstances of the case and perusing

documents on record it appears to be just and proper to stay the impugned order in the interest of justice. Hence following order is passed.

ORDER

1. Application Exh.5 in Cri.Revn.Appln.No.3/2020 is allowed.
2. Impugned order dt. 01/02/2012 passed below Exh.1 in Cri.Misc.Appln.No.36/2020 by ld.J.M.F.C.Alibag is hereby stayed till 30/03/2020.
3. Inform concerned court accordingly.
4. Issue notice to revision opponent Nos. 1 & 2 accordingly.

Alibag.

Date:17/02/2020

(Sudhirkumar M.Bukke)

Addl. Sessions Judge, Raigad-Alibag.