

MHRT010001292026



Received on : 02.03.2026

Registered on : 02.03.2026

Decided on : 16.03.2026

Duration : Ys. Ms. Ds.
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IN THE COURT OF SESSIONS JUDGE, RATNAGIRI.

AT : RATNAGIRI

(Presided over by : V. Y. Jadhav)

Cri.Rev.A. No.4 of 2026
Exh.No. 8.

1. **Anant Mahadev Gurav**
Age 40 years, Occu.: Agriculture,
2. **Namdev Gangaram Gurav**
Age 50 years, Occu.: Agriculture,
3. **Santosh Narayan Gurav**
Age 43 years, Occu.: Agriculture,
All R/o. Kelvade, Tal. Rajapur,
Dist. Ratnagiri. ...Rev. Applicant.

Versus

1. **Govind Mahadev Muge**
Age – Adult, Occu.: Agriculture
2. **Sitaram Shankar Wadekar**
Age – Adult, Occu.: Agriculture
3. **Deu Ganpat Ghume**
Age – Adult, Occu.: Agriculture,
4. **Krisna Mahadev Gurav**
Age – Adult, Occu.: Agriculture,
5. **Vidyadhar Shashikant Karambelkar**
Age – Adult, Occu.: Agriculture
All R/o. Kelvade, Tal. Rajapur,
Dist. Ratnagiri.

6. State of Maharashtra,
Through Collector of Ratnagiri. **...Opponents.**

::Appearance ::

Shri.V. M. Sakhalkar, Learned advocate for the applicants.

Shri. A.S.Kadam, Learned advocate for the opponents No.
1 to 5.

Shri. A. A. Fansekar, Learned PP for the opponent No. 6

::J U D G M E N T ::

(Delivered on 10.03.2026)

1. By way of present application under Section-438 of the Bhartiya Nagarik Suraksha Sanhita, the revision applicants have challenged the order of Id. Executive Magistrate @ Tahasildar Rajapur dated 28.02.2026 in No./Criminal/S.R./05/2026 whereby the opponents were permitted to celebrate the Shimgostav of village Kelvade and the applicants were allowed to participate in the Shimgostav.

2. Perused the application and say. Heard learned advocate Shri. V. M. Sakhalkar for revision applicants, Shri. A. S. Kadam for the opponents No. 1 to 4 and 6 and learned PP Shri. A. A. Fansekar for opponent No.5.

3. Learned advocate Shri. V. M. Sakhalkar for the applicants submitted that the police Inspector Rajapur Police Station forwarded a report to the Executive

Magistrate Rajapur in respect of celebration of Shimga Festival of village Kelvade, Tal. Rajapur in the temple of "Shri Swayambhu Gango Deo" apprehending breach of law and order.

4. The Executive Magistrate Rajapur on the basis of this report initiated an inquiry u/s. 163 of B.N.S.S. Act, 2023, bearing case No./Criminal/S.R./05/2026. The revision applicants are shown as party No.2 and opponents are shown as party No.1 in the case. He further submitted that the notices were issued to the parties and after hearing the parties Ld. Executive Magistrate passed the above mentioned order.

5. He further submitted that it has alleged that Govind Muge from party No.1 is mentally harassing Gurav families. The Varshaval (yearly right) of the festival has shown to be passed to party No.1. The members of said party by name Krishna Mahadev Gurav is required to perform the rituals from Devdipawali of 2025 till the Devdipawali 2026.

6. If the party No.1 Govind Muge and others would performed those rights like Holi, Navratri, Dasera and Devdipawali the party No.2 would not object the same. However, muges have established one more temple of same God to counter the original temple. It is

necessary that when the turn of party No.2 would come by next year the party No.1 should not interfere in the same. They should submitting in writing that they would hand over keys in presence of the villagers on commencing Devdipawali.

7. He further submitted that though the some allegations have levelled against the present applicant that they did not hand over the keys of the temple on the last occasion. However, it was a duty of receiving party to call a meeting of the villagers and it should be handed over to the successive party. However, as the said successive party did not call meeting of villagers the process of handing over keys would not take place. The applicant can be blamed for the same. The Executive Magistrate has no right to declare that one party should perform the festival and to allow other party to participate the same. This would amount to giving upper hand to one side and create disparity amongst citizens. Hence, the impugned order is required to be set aside.

8. On the other hand, Ld. Advocate Shri. A. S. Kadam for the respondents submitted that the applicants were supposed to hand over the keys of the temple and other articles in the year from 2021 itself. However, the member of said party Anant Mahadev Gurav though

received keys on 05.12.2021 he did not hand over the same to the successive party in the year 2022. In fact the person who is duty bound to hand over the keys has to call the meeting and the villagers would witness that the keys of temple would be handed over along with jewellery, and that for other valuable articles of the God were intact while handing over to the other side.

9. In stead of doing the same he concocted some record by going to Tanta Mukti Samittee which was not as per ritual. The record shows that Anant Mahadev Gurav has deliberately avoided to hand over the keys. That they can not compel other persons to give some undertaking in writing. There is a register maintained for the same and everything would be recorded by the villagers and Mankaris. Therefore, the submissions are incorrect and illegal. Hence, the application may be rejected.

10. Ld. PP Shri. A. A. Fansekar submitted that the proceeding is maintainable before Ld. Magistrate. The order would be only for temporary purpose for maintaining law and order in the village. Considering that the order has already implemented, the revision application be disposed off.

11. Perused record and rival submissions of the parties. In the present case there is no dispute about the

rights of the parties. It is also not disputed that the persons from Gurav families used to perform Pooja and other rituals by rotation on year to year basis.

12. It appears that the real dispute was about handing over the keys by Anant Mahadev Gurav to his successor during Devdipawali of 2022 itself. In revision jurisdiction it is not necessary to consider as to who was in fault, that too, from the year 2022.

13. The Ld. Executive Magistrate has taken a view that yearly festival be celebrated by the villagers and he has tried to provide a way out. The challenge of the applicants are not about rights of the parties to celebrate the present Shimgostav. They are seeking assurance for the period of Devdipawali. Certainly deciding such rights is not come within the ambit of provisions under Section 163 and 164 of the BNSS. Therefore, no observations in that regard can be made even by this court in its limited revisionary jurisdiction.

14. The parties may relegate to their proper remedies in that regard. However, as there was no objection by any of the parties for proceeding with Shimgostav as per direction of the Executive Magistrate Rajapur, no interference in the impugned order is necessary. In the light of above observations the revision application is required to be rejected with no order as to

costs. Hence, I pass following order.

ORDER

1. The application is hereby rejected.
2. No order as to costs.

Dictated and pronounced in open Court.

Date : 16.03.2026

(V. Y. Jadhav)
Sessions Judge, Ratnagiri.

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

Case Number		Criminal Rev. Application 4/2026
Name of Stenographer	:-	Sou. P.S.Lad
Name of Court	:-	Sessions Judge, Ratnagiri.
Date of Decision	:-	16.03.2026
Order signed by the P.O. on	:-	17.03.2026
Order uploaded on	:-	18.03.2026.