

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

CRI.APPLN/3312/2013
WITH
CRI.APPLN/136/2013
WITH
CRI.APPLN/6869/2014 In CRI.APPLN/3312/2013

SURESH NANAPPA MANCHERIYAL
V/S
THE STATE OF MAHARASHTRA AND OTHERS

Mr. B.N. Magar, Advocate for applicant.

Mr. A.V. Deshmukh, APP for State.

CORAM : T.V. NALAWADE, J.
DATED : 15th January, 2015.

ORDER :

1. Criminal Application No. 6869/2014 is filed for restoration of Criminal Application No. 3312/2013 which is dismissed by this Court for not taking steps to serve the respondents of that proceeding. The said proceeding was filed under section 439 (2) of Cr.P.C. for cancellation of relief granted to them by Sessions Court. Notice could not be served and then the matter was dismissed by this Court. In view of the contents in the application and after hearing both the sides, the learned counsel for the applicant and the learned APP, the application is allowed. The order of dismissal made in Criminal Application No. 3312/2013 is set aside. The proceeding is restored. Criminal Application No. 6869/2014 is disposed of.

2. It appears that in the past, relief was refused to Md. Akhil Khan by other Hon'ble Judge of this Court and then it was granted by Sessions Court. Criminal Application No. 136/2013 is filed to challenge that order of Sessions Court and this person is involved in other matter also and so, the proceeding bearing Criminal Application No. 3312/2013 is filed as even after rejecting the relief to Md. Akhil Khan, the relief is granted by the Sessions Court. It is desirable that the same Hon'ble Judge deals with the matter relating to Md. Akhil Khan. Registrar Judicial to take necessary steps. Remove from the board of this Court.

[T.V. NALAWADE, J.]

SSC/