

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO. 1202 OF 2013

Gajanan S/o Sanduji Ambilwade

Age : 41 Yrs., Occ. Business,

R/o : Flat No. 18, Tirupati

Executive JBC Sinhagad,

Ulkanagari, Dist. Aurangabad.

.... PETITIONER

V E R S U S

1. The State of Maharashtra

2. Jayashri W/o Gajanan Ambilwade

Age : 40 Yrs., Occ. Household,

R/o : Flat No. 18, Tirupati

Executive JBC Sinhagad,

Ulkanagari, Dist. Aurangabad.

.... RESPONDENTS

.....

Mr. Abhishek G.Kulkarni, Advocate for Petitioner.

Mr. V.D.Godbharle, A.P.P. for R - 1 State.

Mr. A.P.Ghule Patil, Advocate for R - 2.

.....

CORAM : V.M.DESHPANDE, J.

DATE OF JUDGMENT : 25th FEBRUARY, 2015

.....

ORAL JUDGMENT :

1. Rule. Rule is made returnable forthwith. By consent of the parties, heard the learned counsel for the petitioner, the learned A.P.P. for respondent No. 1 - State and the learned counsel for respondent No. 2 finally.

2. Both the learned counsel submitted that the Appeal is filed by the present petitioner against the Judgment and Order dated 06/09/2013 passed by the learned Judicial Magistrate First Class, 14th Court, Aurangabad below Exh. 14, 21 and 22 in Criminal Misc. Application No. 1582/2013. The said Appeal is pending bearing Criminal Appeal No. 229/2013.

3. Since the challenge in the present Writ Petition is already satisfied by depositing ₹ 20,000/- [Rupees Twenty Thousand] by the present petitioner in view of the earlier direction given by this Court, the present Writ Petition can be disposed of by giving direction to the learned Ad-hoc Additional Sessions Judge, Aurangabad to decide Criminal

Appeal No. 229/2013 on its own merit within stipulated time.

4. Looking to the joint prayer which is made by both the learned counsel and in view of the fact that the amount of ₹ 20,000/- is already deposited and the permission is granted to the wife to withdraw the said amount, the present Writ Petition can be disposed of, since nothing survives in so far as challenge to the order dated 04/12/2013 is concerned. Thus, the order dated 04/12/2013 passed by the learned Judicial Magistrate First Class, 11th Court, Aurangabad below Exh. 38 in Criminal Misc. Application No. 1582/2013 is hereby set aside and the learned revisional Court is directed to dispose of Criminal Appeal No. 229/2013 pending on his file within a period of 2 months from the date of appearance of the respondent/wife.

5. With these observations, the present Writ Petition is disposed of.

6. Rule is made absolute.

[V.M.DESHPANDE, J.]