

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL WRIT PETITION NO. 753 OF 2015

Mr.Eric Louis Gonsalves ... Petitioner.

V/s.

Mr.Chandrakant Vadilal Gosalia & Ors. ... Respondents.

Mr. J.G. Damani, Advocate for the Petitioner.

Mr. Milan Desai i/by Saida Shaikh for Respondent Nos. 1 and 2 and i/by Sunil Dubey for Respondent No.3.

Mrs. A. A. Mane, APP for the State.

CORAM : M.L.TAHALIYANI,J.

DATE : 03rd MARCH, 2015

P.C. :

1 Heard learned Advocate Mr. Damani, for the petitioner, learned Advocate Mr. Milan Desai for respondent nos. 1,2 and 3 and learned APP for the State of Maharashtra.

2 Perused the impugned order dated 18.10.2014 which reads as under :

“1. Criminal Revision Application No.70/2014 is allowed.

2. Impugned order passed by Additional Chief Metropolitan Magistrate, 24th Court, Borivali in CC No.107/SW/2014 on 9.5.2014 is hereby set aside.

3. The proceedings in Case No. 107/SW/2014 are stayed u/s. 210 of Cr. P.C. until final decision on the report u/s. 173 of Cr.P.C. filed by the Investigating Officer in CC No.235/SW/2011 and Ld. Magistrate thereafter to proceed u/s. 210 of Cr.P.C..

4. Criminal Revision Application No. 70/14 is disposed of accordingly.

Said order is not clear and it is vague to such an extent that it is difficult to understand as to how the learned additional Sessions Judge can set aside the order passed in CC No.107/SW/2014 and at the same time, he can stay the proceedings of the said case.

3 It is, therefore, directed that the learned additional Sessions Judge shall clarify his order so that this court is able to follow as to what the learned additional Sessions Judge wanted to say in his final order.

4 The parties are at liberty to appear before the learned additional Sessions Judge.

5 Parties shall appear before the learned additional Sessions Judge on 25th of March, 2015.

6 At this stage, I am told that the learned additional Sessions Judge Mr. A. M. Garde has retired. In these circumstances, it is directed that the criminal revision application no. 70 of 2014 shall be heard afresh by some other Judge.

7 The parties are at liberty to move this court after decision of the criminal revision application no.70 of 2014. Criminal revision application shall be decided within a period of one month from 25th March, 2015.

8 This present writ petition stands disposed of with the above directions.

(JUDGE)

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