

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2994 OF 2015

Pradeep Dhanrajmal Ailani .. Petitioner
Versus
Ajay Bathija & Anr .. Respondents

Mr.Suresh Malkani, Advocate for the petitioner.

Mr.S.H.Joshi, Advocate for respondent no.1.

Ms.Gajare-Dhumal, APP for the Respondent State.

CORAM : ABHAY M. THIPSAY, J.

DATED : 7th AUGUST, 2015

P.C. :

- 1 Rule.
- 2 By consent, Rule made returnable forthwith.
- 3 Respondents waive service.
- 4 By consent, heard finally forthwith.

5 The only grievance of the petitioner is that though the Revision Application filed by him challenging the order dated 11th June 2015 passed by the Judicial Magistrate First Class, Ulhasnagar is pending, there has been no order on the application for stay filed by the petitioner along with the Revision Application. I am informed that the learned Magistrate has fixed the next date of the trial as 3rd September 2015. There is substance in the

contention of the petitioner that the decision on the application for stay of the impugned order, needs to be taken by the Revisional Court before the Magistrate proceeds with the matter.

6 The learned counsel for the respondent no.1 agrees that the petition can be disposed of finally by giving a direction to the Court of Sessions to decide the Revision Application filed by the petitioner, and/or the application for stay filed along with it before 3rd September 2015. The learned counsel for the petitioner agrees to furnish a copy of this petition as also a copy of the Revision Application to the learned counsel for the respondent no.1, forthwith.

7 The learned counsel for the parties agree before me that the parties shall remain present before the Revisional Court on 11th August 2015.

8 In view of this, the petition is disposed of by giving a direction to the Court of Sessions that the Revision Application filed by the petitioner and/or, at any rate, the application for stay of proceedings before the Magistrate has filed along with the Revision Application shall be decided by the Court of Sessions, in accordance with law, before 3rd September 2015.

9 Rule is made absolute in the above terms.

(ABHAY M.THIPSAY, J)