IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CRIMINAL APPLICATION [APL] NO.21/2015.
Naved Khan and others. -**VERSUS-** State of Maharashtra and another.
with
CRIMINAL APPLICATION [APL] NO.566/2014.
Sheikh Nazir Sheikh Wazir and others. -**VERSUS-** State of Maharashtra and another.

Office notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM : B.P. DHARMADHIKARI & V.M.DESHPANDE, JJ.

DATE : DECEMBER 14, 2015.

Heard Shri S.A. Ingley, learned Counsel for the applicants, Ms. R.A. Deshpande, learned A.P.P. for respondent no.1 and Shri K.P. Mahalle, learned Counsel for respondent no.2.

2. It is not in dispute that before filing of the present matter, charge sheet was already filed.

3. Applicant no.1 in present matter is husband, while other applicants are relatives on his side. Respondent no.2 is wife.

4. It appears that arising out of very same matter Criminal Application No.566/2014 is also filed

before this Court. That application has been filed by other relatives of husband i.e. in-laws of respondent no.2. Thus, respondent no.2 in both the matters is the same person.

5. We find that said matter was filed on 28.08.2014, and it came to be admitted on 24.11.2014. This Court has granted interim relief in terms of prayer clause [2], thereby further investigation in Crime No.108/2014 is stayed.

6. The present criminal application is filed before this Court on 15.01.2015.

7. Effort of learned Counsel is to urge that as Criminal Application No.566/2014 is already admitted and present application should also be admitted and similar interim orders may be passed.

8. Learned A.P.P. for respondent no.1 and Shri Mahalley, learned counsel for respondent no.2 wife submit that, fact that charge sheet is already filed in present matter which has been pointed out to this court in Criminal Application No.21/2015 could not be pressed into service in Criminal Application No.566/2014, when it was admitted.

9. We do not wish to go into merits of the

controversy. The alleged offences are under Sections 498A, 323, 504 read with Section 34 of Indian Penal Code. It appears that apart from husband, 14 other relatives of husband are shown as accused in it. Interest of justice therefore can be met with by permitting all these applicants to move appropriate application before the trial Court in accordance with law. Such application shall be moved within a period of four weeks from today. The trial Court shall decide it in accordance with law within further period of three months.

10. Till the application is decided, it will not be necessary for other relatives to appear before the said Court i.e. in the Court of J.M.F.C. Court No.2, Chikhali, District Buldhana. The matter shall be attended only by husband Naved Khan, and the counsel representing the parties.

11. With these directions and keeping all rival contentions open, we dispose of both the matters. No cost.

JUDGE **JUDGE**

Rgd.