

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

Criminal Application (APL) No. 643 of 2013

(Mrs. Madhumati H. Shah Vs. The State of Mah. through its P.S.O., Sadar, Nagpur and anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri D. V. Chauhan, Advocate for applicant
Shri A. S. Jaiswal, Advocate for non-applicant no. 2
Shri M. J. Khan, APP for the State/non-applicant no. 1

CORAM : A. B. CHAUDHARI, J.

DATED : 10-6-2015

Heard learned counsel for the rival parties.

The application is directed against an order of issuing process. Undoubtedly, the order is revisable that too, before the Sessions Court. But applicant has not taken up that remedy. The application is pending in this Court since 2013.

Learned counsel for rival parties have shown their intention to argue the matter based on the documents etc. In my opinion, the entire exercise should be made before the Sessions Judge. This Court will have advantage of benefit of reasons to be recorded by the learned Sessions Judge in the revision after hearing the counsel for rival parties. In view of the fact that interim order is operating since December, 2013, same needs to be continued till the disposal of the revision application before the Sessions Judge.

Mr. Jaiswal, the learned counsel for non-applicant no. 2 fairly states that since this application was filed within time, the non-applicant could not object the revision on the ground of limitation before the Sessions Court. That being so, the following order would sub-serve the interest of justice.

ORDER

(I) Revision application be filed in the Sessions Court within a period of 15 days from today. If such an application for revision is filed, same shall be decided within a period of six months from date of filing of the revision application.

(ii) Mr. Jaiswal, learned counsel to take service on behalf of non-applicant no. 2 before the Sessions court in order to avoid the formality of service of notice.

(iii) Mr. Chavan, learned counsel undertakes to supply copies and communicate the further date.

(iv) Interim order made by this Court shall continue to operate till disposal of the revision application.

JUDGE