

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.559 OF 2015.

WITH

C.A.NO.13637 OF 2015.

**Smt.Sayeedabano d/o Ahmed Ali Khan Vs. The State of
Maharashtra and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.S.S.Kazi, advocate for the petitioner.
Mrs.M.A.Deshpande, A.G.P for the State

**CORAM : S.V.GANGAPURWALA AND
A.M.BADAR, JJ.**

Date : 18.01.2016.

PER COURT :

1. Heard.
2. Mr.Kazi, learned counsel submits that Respondent No.3 passed the impugned order without observing the principles of natural justice. The petitioner was not heard before the stay order was passed. The Respondent No.3 did not possess jurisdiction to pass the stay order. According to the learned counsel, the petitioner had worked in the said institution and thereafter the experience certificate was issued by the then Head Master. The person who was called for hearing by the Respondent No.3 was not the person who had issued the experience certificate to the petitioner. Only

because of the order passed by the Respondent No.3, the petitioner is made accused in the Criminal case.

3. The learned counsel for Respondent No.4 supports the contentions of the petitioner.

4. Mrs. Deshpande, learned A.G.P submits that after hearing the Head Master in the office of Respondent No.4 and the complainant, the order has been passed considering the record.

5. Mr.Gaware, learned counsel for Respondent No.5 submits that the Criminal case, where the petitioner is accused No.9 is now at the stage of recording statement U/s 313 of the Cr.P.C.

6. The Criminal case pending against the petitioner is at concluding stage. The prosecution certainly will have to prove independently the offence alleged against the petitioner in the Criminal case. As the Criminal case is at concluding stage, no purpose would be served by entertaining the present petition. Even otherwise the order impugned in the present petition will not be relevant for influencing the judgment in the Criminal case as the said case will have to be proved by independent evidence before the Criminal Court.

7. In light of the above, the Writ Petition is disposed of. No costs.

8. Civil Application also stands disposed of.

(A . M . BADAR , J .)

(S . V . GANGAPURWALA , J .)

Dt.18.01.2016.
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