

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

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**CRIMINAL APPLICATION NO. 266 OF 2016
AND
CRIMINAL APPLICATION NO. 267 OF 2016**

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KRISHNAKUMAR S/O BABURAO KULKARNI
VERSUS
SUMEDHA SUNIL CHITAPURE (SHINDE)

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Advocate for Applicant : Mr S V Natu

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**CORAM : V.K. JADHAV, J.
Dated: January 19, 2016**

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PER COURT :-

1. The applicant is original complainant in STCC No.2003/2009 and 2256/2009. Said STCC No.2256/2009 and 2003/2009 came to be disposed of by holding the accused therein guilty for the offence punishable u/s 138 of the Negotiable Instruments Act. Aggrieved by the same, the accused therein preferred Criminal Appeal nos. 41/2015 and 42/2015 before the Sessions Court, Latur. During the pendency of the said appeal against conviction, present applicant/original complainant has filed an application at Exh.18 to stay the hearing of the criminal appeals till decision in R.C.A. No.19/2015.

2. It is to be mentioned here that, the parties availed civil as well as criminal remedy in respect of the same transaction i.e. dishonour of cheque. Thus, the present applicant/original complainant has moved an application as aforesaid to stay the hearing of the criminal appeals till the decision in RCA No.19/2015. The learned Additional Sessions Judge, Latur, by its impugned order dated 19.12.2015 below exh.18 in Criminal Appeal Nos. 41/2015 and 42/2015 disposed of the application with the observation that. to avoid conflicting views from the appellate court, parties to the appeal ought to have approached the appropriate forum to get transferred all the proceedings before one Appellate Court, instead of moving the application before the concerned court to stay respective hearing.

3. In no manner, hearing of the criminal appeal can be stayed till the decision of the RCA No.19/2005 preferred against the decree passed by the Civil Court in respect of the same transaction. However, as observed by the learned Additional Sessions Judge, Latur, in the impugned order that in order to avoid conflicting view, the parties may approach the proper forum to get transferred all the proceedings before one Appellate Court. The applicant may approach the courts

below to get the civil appeals as well as the criminal appeals transferred to one and the same Court. The learned Additional Sessions Judge, Latur has given next date of hearing as 20.1.2016. In the peculiar facts and circumstances of the case, same is extended by one month.

4. With these observations, Criminal Applications are disposed of accordingly.

(V.K. JADHAV, J.)

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aaa/-