

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 116 OF 2016

Sayjay S/o Deorao Jadhav,
 Age : 37 years, Occu.: Nil,
 R/o. C/o Nasir Qureshi, Samtanagar,
 Aurangabad, Dist. Aurangabad .. Petitioner
 (Orig. Respondent no.1)

VERSUS

- 1] The State of Maharashtra
- 2] Vandana W/o Sanjay Jadhav,
 Age : 34 years,
 Occu.: Private Service,
 R/o. Duplex No.2, Prathana - 2,
 Sara Sidhi, Opp. Hotel Aditya,
 Beed Bye-pass Road,
 Aurangabad, Dist. Aurangabad
- 3] Narendrra S/o Devrao Jadhav,
 Age : 33 years, Occu.: Business,
 R/o. Samtanagar, Aurangabad
 Dist. Aurangabad
- 4] Maya W/o Madhukar Sonkamble,
 Age : 45 years, Occu.: Service,
 R/o. Ganesh Nagar, Nanded,
 Dist. Nanded .. Respondents

Mr. S.R. Varma, Advocate h/f Mrs. Anandi S. Varma, Advocate
 for the petitioner

Mr. N.T. Bhagat, A.P.P. for the respondent no.1 - State

Mr. N.T. Tribhuwan, Advocate for respondent no.2

CORAM : M.T. JOSHI, J.

DATE : 26/02/2016

ORAL ORDER :

Rule. Rule made returnable forthwith. With

consent of learned counsel for the petitioner, learned A.P.P. and learned counsel for respondent no.2, the petition is heard finally as rest of the respondents are formal parties.

2. Learned counsel for respondent no.2 files on record the certified copy of the roznama maintained by the learned Judicial Magistrate First Class in the trial Court as well as the copy of the order passed by this Court in Criminal Revision Application No.260 of 2014 dated 27/07/2015. Both the documents are marked as "X" and "X-1", respectively, for the purpose of identification.

3. Hearing from both sides would show that the present petitioner wants to re-open the case after closure of the same by the learned Judicial Magistrate First Class upon giving more than sufficient opportunity to him.

. Order passed by this Court dated 27/07/2015 in Criminal Revision Application No.260 of 2014 would show that in the proceeding under section 125 of the Code of

Criminal Procedure, similar tactics is played by the present petitioner.

. The roznama maintained in the present case by the learned Judicial Magistrate First Class would show that for months together, the present petitioner remained absent in the proceedings.

4. Taking into consideration all these facts, in my view, only to afford one opportunity to the present petitioner, the following order would meet the ends of justice.

5. Writ Petition is allowed.

6. The impugned orders passed by the learned Judicial Magistrate First Class are hereby set aside, only on the condition that the present petitioner deposits an amount of Rs.10,000/- (Rs. Ten Thousand) in the Court of learned Judicial Magistrate First Class, within a period of 15 days from the date of this order, as costs to respondent no.2 and further that he would conclude evidence from his side within a period of 8

weeks and would not seek any adjournment for oral arguments thereafter.

7. If the present petitioner fails to abide by any of the above condition/s, the orders of the learned Judicial Magistrate First Class shall stand automatically revived.

8. Rule is accordingly made absolute in the above terms.

[M.T. JOSHI]
JUDGE

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