

(1)

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

CRIMINAL WRIT PETITION NO.661 OF 2016

Rekha w/o Sunil Kharat,
Age 30 years, Occu. Household,
R/o C/o Prasad Uttam Sasane,
R/o Sidharth Nagar, Ahmednagar,
District Ahmednagar

..PETITIONER

VERSUS

1. Sunil s/o Bhausahab Kharat,
Age : 38 years, Occu. Service,
2. Smt. Ushabai w/o Bhausahab Kharat,
Age : 58 years, Occu. Household,
3. Popat s/o Bhausahab Kharat,
Age : 36 years, Ocu. Jugar Business,

All R/o Vasahat No.2, Bijali Nagar,
Chinchwad 33, Dist. Pune

..RESPONDENTS

Mr D.R. Adhav, Advocate for petitioner;
Respondents served.

CORAM : N.W. SAMBRE, J.

DATE : 27th September, 2016

ORAL ORDER :

On 24th June, 2016, this Court recorded reasons for issuance of notice and has stayed the trial, subject to deposit of costs of Rs.2,000/-.

2. Learned Judicial Magistrate First Class, Ahmednagar, by the impugned orders which are questioned in the present petition, has ordered closure of evidence of the present petitioner-original complainant and also rejected the application for adjournment.

(2)

3. None appears on behalf of the respondents, though served.
4. In view of the assurance furnished by the petitioner through her Counsel before this Court, that henceforth the petitioner shall not seek any adjournment in the matter pending before the learned Magistrate in Criminal Misc. Application No.61 of 2013, in my opinion, in the interest of justice, an opportunity needs to be given to the petitioner. One more reason for allowing the present petition is, respondents though served have failed to appear and resist the claim of the petitioner.
5. In view thereof, petition stands allowed in terms of prayer clause (C).
6. The respondents will be entitled for the costs of Rs.2,000/-, which is deposited before the learned Magistrate by the present petitioner.
7. If the petitioner fails to co-operate with the learned Magistrate in deciding the matter, as per schedule fixed by the Magistrate, the Magistrate will be at liberty to pass appropriate orders as against the present petitioner.
8. With the above observations, Criminal Writ Petition stands allowed.

(N.W. SAMBRE, J.)

amj