

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.240 OF 2016
IN
CRIMINAL WRIT PETITION NO.669 OF 2016

Mrs. Rabia Khan Applicant.

V/s.

The State of Maharashtra and ors Respondents

Mr. Subhash Jha, I/by Mihail Dey a/w Ragvendra M. for the Applicant.
Mrs. A. A. Mane, APP for the Respondent State.

CORAM : B. R. GAVAI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.
(VACATION BENCH)

DATE : 23rd MAY, 2016.

P.C. :

1. The present application is filed for interim relief in pursuance to the order passed by Apex Court dated 17th May, 2016, in Special Leave to Appeal (Cri) No.4103 of 2016.

2. It appears that this Writ Petition is filed by the applicant praying for formation of Special Investigation Team for conducting fresh investigation in the matter of death of petitioner's daughter.

3. It also appears from the record that initially the Division bench of this Court, by order dated 25th February, 2016 had granted interim relief by order, by directing the learned Sessions Judge to defer the hearing of Sessions case No.83 of 2014. However, subsequently vide

order dated 2nd May, 2016 interim relief came to be vacated. It further appears that being aggrieved thereby the petitioner has approached the Hon'ble Apex Court.

4. The Apex Court, while disposing of Special Leave Petition, on 17th May, 2016, has requested this Court to decide the Writ Petition on merits preferably on the date fixed for that purpose i.e. 7th June, 2016. The Apex Court has also granted liberty to the petitioner to make appropriate application for interim relief before this Court pending disposal of the main Writ Petition.

5. Since the Hon'ble Supreme Court has directed the main petition to be heard on the date fixed i.e. 7th June, 2016, we find that it will be appropriate that the proceedings before the learned Sessions Judge are directed to be stayed till that date.

6. In that view of the matter, till appropriate orders are passed by the regular bench, the proceedings before the learned Sessions Judge shall stand stayed.

7. Application stands disposed of accordingly.

[DR. SHALINI PHANSALKAR-JOSHI, J.]

[B.R.GAVAI, J.]