

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL APPLICATION (APL) NO. 125 OF 2016

(DINESH DATTULAL AGRAWAL & 2 OTH...VS..STATE OF MAH., THR. PSO, PS KHAMGAON, DIST.
 BULDHANA & ANR.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : MARCH 03, 2016.

Heard Shri S.S.Voditel, learned advocate along with Shri N.R. Kanungo, advocate for the applicants, Shri A.S. Jaiswal, learned Senior Advocate (Special P.P.) a/b Shri N.B. Jawade, A.P.P. for the non-applicant No.1 and Shri A.M. Gordey, learned Senior Advocate a/b Shri A.D. Bhate, advocate for the non-applicant No.2.

The applicants have challenged the order passed by the learned Additional Sessions Judge on 28th October, 2014 in Criminal Revision Application No. 83 of 2014.

The non-applicant No.2 filed complaint before the learned Magistrate in which an order was passed directing the complainant to produce witnesses to substantiate his allegations. This order was challenged by the non-applicant No.2 in Criminal Revision Application No.83 of 2014 which came to be allowed by the learned Additional Sessions Judge by the impugned order and the learned Additional Sessions Judge directed registration of the First Information Report under Section 156(3) of the Code of Criminal Procedure.

Pursuant to the order passed by the learned Additional Sessions Judge, the First Information Report is

registered against six persons viz. (1) Deelip Kumar Sananda, (2) Sau. Sarswatibai Khasne (applicant No.3 in this application), (3) Shingnath (Chief Officer of Municipal Council), (4) Ashok Kumar Sananda (applicant No.2 in this application), (5) Dinesh Dattulal Agrawal (applicant No.1 in this application), (6) Anil Navandar and (7) Kabre and Chaudhari Architect Company, Nasik.

Anil Harikisan Navandar, one of the co-accused, filed Criminal Application (APL) No. 690 of 2014 before this Court under Section 482 of the Code of Criminal Procedure challenging the order passed by the learned Additional Sessions Judge. This Court by the judgment dated 21st December, 2015 has dismissed the application filed by Anil Navandar (co-accused). The Petition for Special Leave to Appeal (Criminal) No. 217 of 2016 is filed by Anil Harikisan Navandar challenging the above judgment and it is pending.

In the above facts, in my view, it would not be appropriate for this Court to entertain the present application at this stage to consider the legality of the same order passed by the Additional Sessions Judge.

The application is **dismissed** with liberty to the applicants to file fresh application, if so advised, after disposal of the Petition for Special Leave to Appeal.

The interim protection granted to the non-applicant No.3 Smt. Sarswatibai Bhaskar Khasne by the order dated 29th February, 2016 shall continue for one month.

JUDGE