

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

CRIMINAL APPLICATION (APL) NO.701 OF 2016

Sau. Varsha W/o Nitin Lanjewar

..VS..

The State of Maharashtra, through Police Station Officer, Police Station
Hudkeshwar/Sakkardara, Nagpur and others

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

Court's or Judge's Order

Shri V.G. Bhamburkar, Counsel for the Applicant.
Shri A.J. Gilda, Counsel for Non-applicant Nos.2 to 8.
Mrs. Mayuri H. Deshmukh, Addl.P.P. for Non-applicant No.1/State.

CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.

DATED : NOVEMBER 15, 2016.

Heard learned counsel Shri V.G. Bhamburkar for the applicant, learned counsel Shri A.J. Gilda for non-applicant Nos.2 to 8, and learned Additional Public Prosecutor Mrs. Mayuri H. Deshmukh for non-applicant No.1/State.

Vide orders dated 6.10.2015, in Criminal Application (APL) No.503 of 2015, this Court directed learned Judicial Magistrate First Class, Corporation Court No.1, Nagpur to decide Regular Criminal Case No.4364 of 2007 expeditiously and within a period of

one year from the date on which criminal revision would be decided. Criminal Revision Application No.88 of 2015 then pending was directed to be decided within a period of three months. The period of one year given to learned Judicial Magistrate First Class has expired on 2.11.2016.

The complainant therein is before this Court with a prayer to extend that period by eight months more. Submission is, the applicant was not party and was not issued notice when Criminal Application (APL) No.503 of 2015 was decided on 6.10.2015. With the result, the fact that the application seeking production of material documents moved by her on 3.10.2013 was rejected on 15.11.2013 and Criminal Writ Petition No.489 of 2016 challenging that rejection was pending before learned Single Judge of this Court could not be pointed out to that Division Bench.

Learned counsel Shri V.G. Bhamburkar for the applicant submits that as that writ petition is pending, unless and until the question whether the documents as sought for, need to be produced on record or not is not finally decided, R.C.C. cannot be decided.

Learned counsel Shri A.J. Gilda for non-

applicant Nos.2 to 8 is opposing any intervention by this Court. He submits that if any extension was necessary, it was for the Court below to send appropriate request to this Court.

Learned Additional Public Prosecutor Mrs. Mayuri H. Deshmukh for non-applicant No.1/State supports arguments of learned counsel Shri A.J. Gilda for non-applicant Nos.2 to 8.

We need not observe anything on the controversy. Apparently, no *interim* orders are operating in Criminal Writ Petition No.489 of 2016 filed by the present applicant and pending before learned Single Judge of this Court. In absence of any *interim* orders, it was/is open to learned Judicial Magistrate First Class to proceed with the Trial. We, therefore, find the present proceedings misconceived. Accordingly, the same is rejected.

The criminal application is disposed of.

JUDGE

JUDGE

!! BRW !!

C E R T I F I C A T E

I certify that this Order/Judgment uploaded is a true and correct copy of original signed Order.

Uploaded by : Bhushan R.Wankhede.
(Personal Assistant)

Uploaded on :- 16/11/2016

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