

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL WRIT PETITION NO.1991 OF 2016**

Mr.Vasant Shankar Jande ... Petitioner
Versus
Mr.Ashok Murlidhar Jande and anr. ... Respondents

Mr. Amey Deshpande, Advocate for the Petitioner.

Mr. Satyavrat Joshi with Mr. Amrut Joshi i/by Mr.Nikhil Mishra,
Advocate for Respondent No.1.

Mr. V.V.Gangurde, APP for the State/Respondent No.2.

CORAM : RAVINDRA V.GHUGE, J.
DATE : 16 MARCH, 2017.

P.C. :

1. The learned APP submits that the impugned order has been passed under section 340 of the Cr.P.C. and as a consequence, the Petitioner is required to file an Appeal within 30 days before the appropriate forum under Section 341 of the Cr.P.C.

2. The impugned order is dated 5th February, 2016 and this Petition is filed on 30th March, 2016. This Court (Coram : Revati Mohite Dere, J.) has granted interim relief to the Petitioner on 27th October, 2016 by staying the impugned order.

3. Learned counsel for the Petitioner submits that he would prefer an Appeal within two weeks and the relief be continued for a period of four weeks. The learned counsel for the Respondent has strenuously opposed the said request.

4. Considering the above, this Petition is disposed off, as being untenable. Liberty to the Petitioner to prefer an Appeal under Section 341 within two weeks. The interim relief granted by this Court shall continue for a period of three weeks from today and would lose its efficacy thereafter.

5. In the event, the Petitioner files an application for condonation of delay, the Respondents would be served with a copy of such application.

(RAVINDRA V.GHUGE, J.)