

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO.3477 OF 2016**

|                           |                  |
|---------------------------|------------------|
| Sajid Ansari Hafiz Ansari | .... Petitioner  |
| V/s.                      |                  |
| Ansari Seema & Ors.       | .... Respondents |

Mr. N.R. Bubna for the Petitioner.

Mr. Mahendra N. Sandhyanshiv for Respondent No.1.

**CORAM : DR. SHALINI PHANSALKAR-JOSHI, J.**

**DATE : 3<sup>RD</sup> OCTOBER 2017.**

**P.C. :**

1. Heard learned counsel for the Petitioner and Respondent No.1
  
2. It is submitted that, against the order dated 10<sup>th</sup> January 2008 passed by the Judicial Magistrate, First Class, Malegaon, in Maintenance Application No.342 of 2004, both, the Petitioner and Respondent No.1, had preferred two separate Revision Applications. The Revision Application preferred by Respondent No.1, bearing Criminal Revision Application No.27 of 2008, came to be decided by the Sessions Court, Malegaon, on 5<sup>th</sup> July 2016 and it was also decided ex-parte, without hearing the Petitioner herein. The Criminal Revision Application No.54 of 2008 filed by the Petitioner, however, is yet pending in the Sessions Court.

3. Needless to state, that when the two Revision Applications are preferred against one and same order, then, the Sessions Court should have decided both the Revision Applications together. If Criminal Revision Application No.54 of 2008 is yet pending and Criminal Revision Application No.27 of 2008 is decided ex-parte, without hearing the Petitioner, then, it is required that the impugned order passed in Criminal Revision Application No.27 of 2008 on 5<sup>th</sup> July 2016 be set aside and the matter be remanded to the Sessions Court, Malegaon, for deciding the same afresh along with Criminal Revision Application No.54 of 2008.

4. With the consent of learned counsel for both the parties, the matter is made now time bound. Accordingly, the Writ Petition is allowed. The impugned order passed by the Sessions Court, Malegaon, dated 5<sup>th</sup> July 2016 in Criminal Revision Application No.27 of 2008, is set aside and the matter is remanded to the Sessions Court, Malegaon, for fresh hearing.

5. The learned Sessions Judge, Malegaon, is directed to decide Criminal Revision Application No.27 of 2008 and Criminal Revision Application No.54 of 2008 together, within a period of three months from the date of receipt of a copy of this order.

6. Writ Petition is disposed of in the above terms.

**[DR. SHALINI PHANSALKAR-JOSHI, J.]**