

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

CRIMINAL WRIT PETITION NO. 4474 OF 2016

Sharad Sakharam Masurkar

...Petitioner

Versus

The State of Maharashtra & ors.

...Respondents

Mr. Jayant J. Bardeskar for the petitioner.

Mr. H. J. Dedhia, APP for the respondent – State.

Mr. Sandeep Mishra for respondent nos.2 to 5.

CORAM : PRAKASH D. NAIK, J.

DATE : 23rd AUGUST, 2017.

P.C. :

1. The petitioner is original complainant. He had preferred an application before the trial Court in which he has prayed to issue the directions under Section 156(3) of the Code of Criminal Procedure to the Police to investigate into the complaint. By order dated 21st November, 2016, the said application was allowed and the police were directed to submit final report under Section 173 of the Code of Criminal Procedure. The said order was challenged by the accused by preferring revision application before the Court of Additional Sessions Judge, Palghar. The said revision application is pending. In the meantime, interim order was passed by the Sessions Court by

which the operation and implementation of order dated 21st November, 2016 passed by the Learned JMFC, Palghar has been stayed. Further investigation on the basis of the FIR was also stayed.

2. The grievance of the petitioner is that the revision application is not maintainable and the Sessions Court ought not have passed the interim order granting stay to the investigation.

3. The revision application is pending before the Sessions Court wherein the aforesaid interim order has been passed. Hence, I pass the following order;

:: ORDER ::

- (i) The petitioner is granted liberty to prefer an application for vacating the interim order dated 1st December, 2016 and also to expedite the hearing of Revision Application No.26 of 2016.
- (ii) In the event, the petitioner prefers application for vacating interim stay the same shall be heard and decided in accordance with law by the Sessions Court within a period of one month from the date of receipt of this order.
- (iii) Writ Petition stands disposed of.

[PRAKASH D. NAIK, J.]