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

CRIMINAL WRIT PETITION NO.24 OF 2016

Kishor kumar Gangaprasad Pande,
Age 55 Yrs, Occ. Service,
R/o Ward No.6, Dattapur,
Dhamangaon (Rly), Distt. Amravati ..PETITIONER

VERSUS

Sau. Anita Kishorkumar Pande,
Age 48 yrs, Occ. Household,
R/o C/o Shri Durgesh Sohanlal Shukla,
Near Bank of Hyderabad, Pulgaon,
Tahsil Deoli, Distt. Wardha ..RESPONDENT

Mr Muhammed Ateeque, Advocate for petitioner;
Respondent served.

CORAM : N.W. SAMBRE, J.

DATE : 22nd March, 2017

ORAL ORDER

Heard learned Counsel appearing on behalf of the petitioner for some time. Respondent absent though duly served.

2. This Court, by an order dated 14th March, 2016, has stayed further proceedings in Criminal Misc. Application No.13 of 2014.

3. By the impugned order dated 25th November, 2015, passed below Exh.22, in Criminal Misc. Application No.13 of 2014, Judicial Magistrate First Class, Pulgaon, rejected the prayer of the petitioner to cross-examine the witness of original applicant, i.e. respondent herein.

(2)

4. An assurance is given before this Court in the form of an undertaking that on the next date and thereafter the petitioner shall not seek any adjournment and shall co-operate in expeditious disposal of Criminal Misc. Application No.13 of 2014. In view of such assurance in the form of an undertaking, in my opinion, in the interest of justice and in order to give an opportunity to the petitioner – original non applicant, the impugned order dated 25th November, 2015 deserves to be set aside and accordingly the same is set aside. Application Exh.22 stands allowed.

5. Subject to aforesaid undertaking, Criminal Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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