

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

CRIMINAL WRIT PETITION NO. 817/2017

(HASAN KHUZEMA SHAFIQ & ANOTHER **VERSUS** THE COLLECTOR, WARDHA & OTHERS)

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

Court's or Judge's orders

Mr. R.D. Bhuiabhar, counsel for the petitioners.
Mr. A.M. Joshi, A.P.P. for the R-1 & 2.
Mr. V.L. Jaiswal, counsel for the R-3.
Mr. R.O. Chhabra, counsel for the R-4.
Mr.E.S.Sahasrabuddhe with Mrs.S.S. Sahasrabuddhe, counsel for the R-5.
Mr. R.R. Prajapati, counsel for the R-6.
Mrs.S.K. Paunikar, counsel for the R-7.

CORAM : REVATI MOHITE DERE, J.

DATE : DECEMBER 05, 2017.

Heard learned counsel for the parties.

By this petition, the petitioners have impugned the order dated 28.08.2017 passed by the learned District and Sessions Judge, Wardha in Criminal Appeal No.105/2016.

According to the learned counsel for the petitioners, the learned Judge had directed all the intervenors except the petitioners to remain present at the time when the Tahsildar opens the godown for taking inventory of the stock. He submits that the intervention applications preferred by the petitioners as well as the other intervenors are pending and in these circumstances, even the petitioners be permitted to remain present when the Tahsildar opens the godown, for taking inventory.

Learned A.P.P. has no objection if the petitioners are permitted to remain present at the time when the godown is opened by the Tahsildar for taking inventory of the stock.

Perused the papers as well as the impugned order. Admittedly, the intervention applications preferred by various parties including the petitioners are pending before the learned Judge. Considering the fact, that the intervention application of the petitioners is also pending, it would be appropriate to also permit the petitioners to remain present, at the time when the Tahsildar opens the lock of the godown for taking inventory of the stock.

Hence, without going into the merits of the petition, the following order is passed with the consent of learned counsel for the parties.

ORDER

(I) The petitioners are permitted to remain present along with others at the time when the Tahsildar opens the lock of the godown for taking inventory of the stock.

(II) Since the items/goods kept in the godown are perishable in nature, the inspection of the godown is fixed on 11.12.2017 at 10.00 a.m.

(III) Respondent No.7-LTC Commercial Company Private Limited to provide the keys of the godown to the Tahsildar, failing which the Tahsildar would abide by the order dated 28.08.2017, i.e. of breaking open the lock of the godown.

(IV) If there is failure on the part of any of the parties to remain present on the date of inspection, the inspection shall not be postponed.

(V) The learned Judge shall decide the respective intervention applications filed by the parties including the petitioners as expeditiously as possible and in any event within six weeks from the date of receipt of this order. Thereafter, Criminal Appeal No.105/2016 shall be heard and disposed of as expeditiously as possible, preferably by 31.03.2018.

(VI) All contentions of all the parties are kept open, including the question of locus of the petitioners.

The petition is disposed of on the aforesaid terms.

Learned A.P.P. to communicate the said order to the Tahsildar.

All parties to act on the authenticated copy of the order.

JUDGE

APTE