

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

CRI. WRIT PETITION NO. 1001 OF 2017

Viral S/o Prafulbhai Sanghvi

-vs-

The State of Maha., thr. P.S.Kamptee, Nagpur and another

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr.P.V.Bansod, counsel for the petitioner.
Mr.A.R.Chutake, APP for the respondent No.1.
Mr. G.G.Mishra, counsel for the respondent No.2.

CORAM : REVATI MOHITE DERE, J.

DATE : 13.12.2017.

By this petition, the petitioner has impugned the order dated 11/10/2017 passed by the learned Additional District Judge-7, Nagpur, by which the petitioner's application for grant of interim stay to the Trial Court proceedings, pending the hearing and final disposal of the revision application, came to be rejected.

Perused the papers. Being aggrieved by the order dated 18/06/2016 passed by the learned Judicial Magistrate First Class, Kamptee-Nagpur, issuing process, the petitioner preferred a revision application bearing Criminal Revision Application No.206 of 2017 before the Court of the learned Additional Judge-7, Nagpur. Alongwith the said revision application, the petitioner preferred an application and sought stay to the Trial Court proceedings, pending the hearing and final disposal of the revision application. The said application seeking grant of interim stay was rejected by the learned Additional Judge vide order dated 11/10/2017.

Learned counsel for the petitioner informs, that, if the proceedings before the Trial Court are not stayed, pending the hearing and final disposal of the revision application, the Trial Court would proceed by recording evidence before charge.

Without going into the merits of the petition, since the revision application is pending before the learned Additional Judge, it would be appropriate to continue the *ad interim* relief granted by this court vide order dated 17/10/2017, till the petitioner's Revision Application No.206 of 2017 is finally decided by the Additional Sessions Court.

The learned Additional Sessions Judge shall decide the Criminal Revision Application No.206 of 2017 on its own merits in accordance with law, uninfluenced by the interim order dated 17/10/2017 passed by this Court. The learned Additional Sessions Judge to decide the said revision application as expeditiously as possible and in any event before 31/03/2018. The petition is disposed of accordingly.

It is made clear, that this Court has not considered the merits of the case and, that all the contentions of both the parties are kept open.

All the parties to act upon the authenticate copy of this order.

JUDGE