

Anand

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

WRIT PETITION NO. 3053 OF 2016

Sou. Savita Suresh Kadam & anr.

.Petitioners

Vs.

Shri Suresh Baburao Kadam & anr.

.Respondents

Mr. A. A. Joshi, Advocate, for the Petitioners

Ms R. M. Gadhvi, APP, for the Respondent No. 2 – State

CORAM : REVATI MOHITE DERE, J.

DATE : 08.01.2018

P.C.

. Heard learned counsel for the Petitioners.

2. By this Petition, the Petitioners have impugned the observations made in para 8 of the Order dated 10.06.2016 passed by the learned District Judge – 1 and Additional Sessions Judge, Sangli in Cri. Revision Application No. 38 of 2015.

3. Learned counsel for the Petitioners submits that the learned Judge has clearly erred in observing that the Petitioners had received an excessive amount of Rs. 2,59,764/-, when in fact, the documents were to the contrary. He submitted that the learned trial Judge is likely to be influenced by the said observations and hence, prayed that the trial

Court be directed to ignore the said observation, while considering the Application filed by the Petitioners i. e. Cri. Misc. Application No. 22 of 2014.

4. Perused the papers including the impugned Order dated 10.06.2016.

5. According to the learned counsel for the Petitioners, the observation in the Order dated 10.06.2016, that the Petitioners had received an excessive amount of Rs. 2,59,764/- was contrary to the documents placed on record by the Petitioners. Be that as it may, suffice to state, that the learned trial Judge shall consider the Application i. e. Cri. Misc. Application No. 22 of 2014 on its own merits, uninfluenced by the observations made by the learned Additional Sessions Judge, Sangli in para 8 of the impugned Order dated 10.06.2016.

6. Accordingly, the Petition is disposed of in the aforesaid terms.

All contentions of both the parties are kept open.

(REVATI MOHITE DERE, J.)